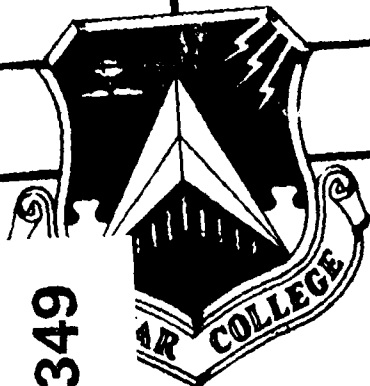


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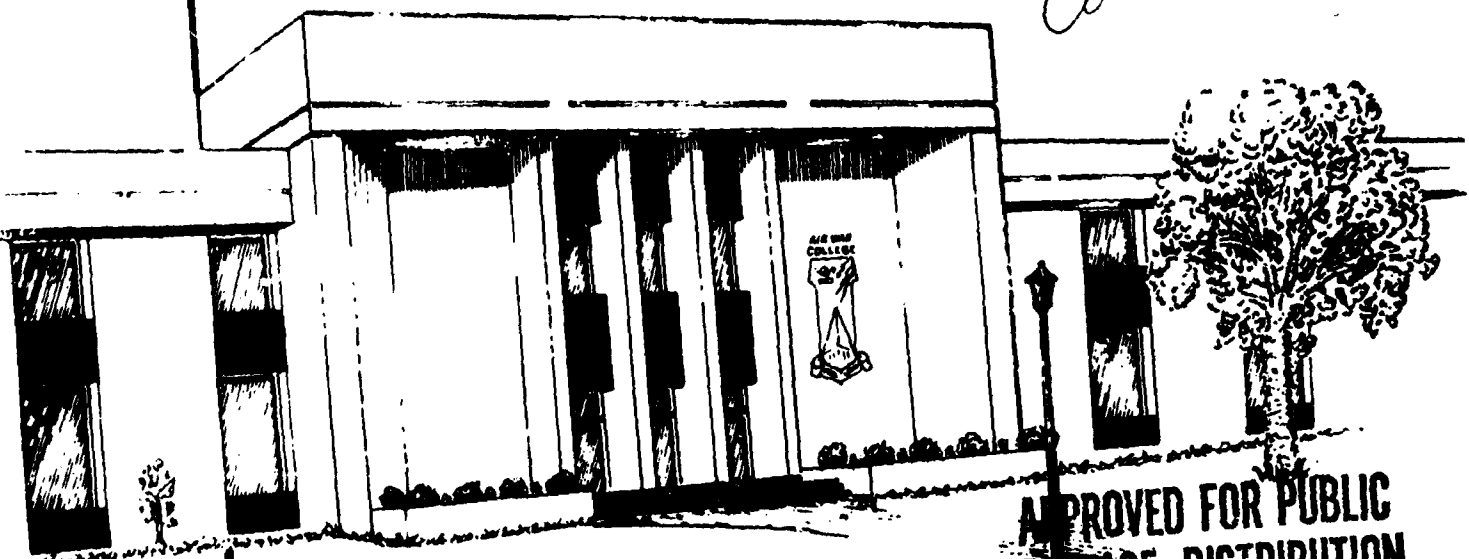
RESERVE FORCE CAPABILITIES IN THE
TOTAL FORCE OF THE 1990s

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RESERVE FORCE CAPABILITIES IN
THE TOTAL FORCE OF THE 1990s

by

Neil Barry Crist
Lieutenant Colonel, USAF

A DEFENSE ANALYTICAL STUDY
SUBMITTED TO THE FACULTY
IN
FULFILLMENT OF THE CURRICULUM
REQUIREMENT

Advisor: Colonel Charles T. Fuller

MAXWELL AIR FORCE BASE

ALABAMA

May 1989

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EXECUTIVE SUMMARY

TITLE: Reserve Force Capabilities in the Total Force of the 1990s

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Analysis of several aspects of the reserve component programs in light of the trend toward saving defense dollars by shifting more mission elements to this segment of the Total Force Package. A description of the structural evolution of the various components of the reserve forces and the administrative and operational efficiencies associated with the resultant structure. Anomalies within the system identified with suggested solutions to the problems attendant to those anomalies, to include a restructuring of the manpower of reserve units, redefining pay and benefits to meet the demands of the personnel marketplace, reinstatement of some form of involuntary, conscript-level military service, and streamlining reserve force tasking and training to provide maximum combat capability augmentation. Identifies several necessary revisions to the federal reserve forces enabling legislation to make the reserve components more cost effective and the reserve participation more attractive to both prior service and nonprior service personnel. Concludes that reserve components will not be able to deliver adequate defensive capability in potential new mission element assignments during the 1990s and beyond without significant reforms to the existing systems. Many necessary reforms unlikely due to political parochialism and resistance by internal interest groups.

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BIOGRAPHICAL SKETCH

Lieutenant Colonel Neil B. Crist is a 1966 graduate of the USAF Academy, holds a Master of Arts Degree in Economics from Georgetown University, Washington, DC, and a Law Degree from the University of Utah. He served three combat tours as a pilot in Southeast Asia. After resigning his regular commission in 1975, he entered the Air Force Reserve as an F-105 pilot in the 508 TFG (later 419 TFW) at Hill AFB, Utah, and later served as the Chief of Operational Plans for the wing. In 1985 he transferred to the Individual Mobilization Augmentee (IMA) program and is currently serving as the IMA to the Director and Senior IMA for the Directorate of Contracting and Manufacturing at OO-ALC, Hill AFB, Utah. He was selected for the rank of colonel in 1988 and is a 1989 graduate of the Air War College.

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INTRODUCTION

PROBLEM IDENTIFICATION

As we enter the 1990s, our national security policy leaders are relying more and more upon Reserve components of the total force. In light of that reliance and the budgetary constraints brought about by current deficits, these Reserve forces must be streamlined to provide maximum defense for each dollar spent. This streamlining should identify wasted efforts, duplication of services, funding irregularities, distortions of spending priorities, and anything else that reduces the cost effectiveness and combat capability of the total force. In light of these restrictions, can the Reserve Components realistically accept additional mission elements from the active duty force, or will such transfers amount to an ipso facto partial unilateral disarmament by the United States?

CHAPTER I

STRUCTURAL WASTE

A. Organizational Defects

One factor contributing to the inefficient management of the total force is the current misalignment of wartime reserve forces in the National Guard and Air National Guard structures. These structures are carryovers from the militia system originally envisioned by the drafters of the Constitution over 200 years ago. At that time, the forces raised for the Revolutionary War were exclusively under the control of the various state militias. The central government had no funds with which to pay these militiamen who provided their own weapons and equipment and were loyal to their state commanders rather than to any central government. The forces were marginal, at best, but adequate to maintain civil order within the separate states.

During the U.S. Civil War, the majority of the forces on both sides were volunteers drawn from the various state militias, although they were placed under Federal (or Confederate) control and funding. After the war, the Union forces returned to their states, taking with them large quantities of equipment supplied by the Federal Government.

In 1903 Congress passed the Dick Act, setting forth federal training requirements for the National Guard units and giving the President authority to use these forces in conflicts such as the Spanish-American War. Several states had refused to send their "militia" units to Cuba in that conflict. (8:7)

Even with this change, the Army ran afoul the state control problem with the 1912 expedition into Mexico. To solve the problem, at the outbreak of World War I, Congress bypassed the states and drafted the militiamen, although not without significant legal challenges. (8:8 and 11:6-9)

In 1933, Congress eliminated the requirement to draft guardsmen. From then on, they would merely be ordered to active duty. (8:9) This law lasted until the current act was passed in 1952 (2:all)

Up through World War II the only nonactive duty forces in the country were state militias which had become National Guard units, coordinated under a National Guard Bureau in Washington DC. As the active forces expanded and contracted for various contingencies, the National Guard units received more equipment from the U.S. Army and ultimately came to be relied upon as a national reserve force.

As the guard units became more of a national reserve force, new missions and updated but generally second- or third-generation equipment of all sorts was transferred to it. As this occurred, the guard evolved further and further from its original militia concept of preserving civil order and domestic tranquility within the states and protecting the states' rights vis-a-vis the central government. However, regardless of the increased funding by the federal government or the Army-type missions it assumed, the states, through their elected congressional representatives, have demanded control over the forces except when they are federalized.

The patchwork add-ons continued with the creation of the U.S. Air Force in 1947 through the establishment of an Air National Guard structure. With the recent equipment upgrades in the Air National Guard, we now have forces originally envisioned as militia for the maintenance of domestic order within the states that are equipped with front-line Air Force equipment such as F-15 and F-16 fighter aircraft. These units are controlled by and train under the 50 states, the District of Columbia, and the protectorates in spite of the fact that nearly all costs are paid by the U.S. Government.

After World War II and the Korean Conflict, the U.S. Government wanted to maintain more reserve units than the National Guard Bureau and the states were willing to accept. As a result, the Army and Air Force Reserves were created to pick up the surplus units. These units were under the administrative and operational control of their various service parents and carried out many of the same functions as did the Guard units. As new missions have been delegated to the reserve components, both the Reserve Forces and Guard Forces have expanded, with little rhyme, central planning effort, or reason. The primary factor in the puzzle is and has been the political jockeying by the various states' politicians to bring desired equipment and additional jobs to their constituents and for other benefits to the individual states without regard to comprehensive DOD-wide expenditure priorities. The result has often been a significant skewing of federal expenditures to upgrade outdated Guard systems rather than upgrading or procuring new and better equipment for the total force.

B. Prospects

As has been the case with the base closing problem that DOD has struggled with for years, the outlook for eliminating the political parochialism associated with any defense-related expenditures is not good, unless the country can somehow reform the congressional political process to avoid the self-interest obsession of the members of Congress and the power structure inherent in the current seniority system. This problem is clearly outside the scope of this paper, but unfortunately, this political weakness is the very reason that the redundant Guard, Reserve, and active force management systems probably will not be fixed in the near future. The state politicians do not want to lose control over the payrolls and other economic benefits derived from the current Guard programs in their states.

In the streamlining process, a lot needs to be done to reduce the numbers of reserve force readiness levels and to clear up the confusing and often overlapping labels that have been put on these forces over the years. We have Ready Reserves, Select Reserves, Individual Ready Reserves, Standby Reserves, Retired Reserves etc, rather than something that the average person could understand.

C. Possible Solutions

Of the structural problems identified in this chapter, the last mentioned would be the easiest, and most likely, to be solved. Even if the separate worlds of "Guard" and "Reserve," with all of their

special inefficiencies, redundant administration, and political distortions cannot be resolved, the comparable forces in each bureaucracy could be put into the same streamlined categories, such as "Ready" and "Standby."

However, before any significant improvements can be made in the structural area, Congress will have to revise the existing legislation, preferably to provide for a comprehensive, uniform reserve forces system. Key elements of this legislative reform dealing with this chapter would be:

(1) Transfer all Guard forces, except a downsized light infantry ("militia") force whose size would be dependent upon the size and population of the home state, to a single Army, Navy, or Air Force Reserve force, with all "ready" reservists administered through the operational gaining commands to which they were assigned. All reservists who perform no on-station annual training would be considered standby reservists and would be managed by a central administrative center for each service, similar in structure to, but more efficiently operated than the Air Reserve Personnel Center currently at Lowry AFB, Colorado. All reservists who participated in annual mobilization and training would be considered ready reservists and would be fully supported by and accountable to their gaining commands.

(2) Each state would retain full control over and the majority of the financial responsibility for the militia forces which it chose to retain. In order to avoid problems previously encountered

in World Wars I and II, these Guard forces would be subject to federalization by order of the appropriate National Command Authority and would exercise annually with the reserve and active duty gaining command forces with which they would be affiliated during wartime. All expenses for the annual mobilization and training and all weapons procurement for these units would be borne and controlled by the gaining commands.

(3) All reserve forces (excluding militia-type Guard units) would be funded through, equipped, supported, and operationally controlled by their gaining commands. To facilitate the interface of the reserve forces with the active duty counterparts, each major gaining command would have a Deputy Chief of Staff for Reserve Affairs and a small staff to deal with purely reserve matters within the existing active duty command and support structure. A critical aspect of the program would be the integration of weapon systems acquisition and logistic support. These reserve forces would be considered as integral to and identically equipped with the active duty force with which they would fight. As a combat resource, the reserve units would have the same capability and their mobilization and deployability requirements would be dependent upon the needs of the gaining command. This would ensure that all of the personnel and support concepts were achieved without sacrificing combat capability with the reserves due to equipment shortfalls.

(4) Major gaining commanders would have the authority to mobilize, deploy, and employ these reserve forces without advance notice and without regard for any "call up" or "federalization."*

(5) The operational chain of command and the administrative support structure for the reserves would be the same, thus eliminating the requirement for reserve forces to be "transferred" to the gaining command when mobilized. These forces would be in the same pay, administrative support, and personnel system before and after mobilization, thus allowing the services to maximize economies of scale related to the functions. This change would require modification of some procedures in the active duty support areas to accommodate the peculiarities of the reservist drill and pay systems, etc, but with the current state of computer support available to the Air Force, those

*Although this availability is critical to achieving maximum utilization of these reserve forces, in the event that Congress would not grant such authority to the services, then it would be essential to the program for the gaining commanders to have such authority for up to 15 days, with some form of Congressional approval required if the forces were to be utilized for longer than 15 days. This would allow the commanders to use these forces during the initial phases of such surgical contingency operations as Grenada and to exercise these forces on an annual basis under realistic mobilization and deployment conditions. Although such responsiveness would impose some hardships on the civilian sector and would certainly require a legislative mandate for these reservists to be released on short notice, the ability to conduct no-notice mobilization and deployment exercises is essential to the wartime viability of this reserve force; it will provide commanders with actual experience on which to predict combat "no shows"; it will provide each reservist with valuable experience in dealing with the problems that he or she will have to face during the first 24 to 36 hours of a mobilization; and it will help the government and industry to continually monitor choke points in the mobilization process and conflicts between the criticality of reservists' peacetime positions and their wartime mobilization requirements.

changes are possible and would save substantial duplication-of-effort costs over the long run. Due to the nature of the militia/guard units, their administrative support would be provided by the respective states, with costs of the annual training reimbursed by the gaining commands.

CHAPTER II

RESERVE FORCE READINESS

In addition to the structural problems referred to in Chapter I, the support and utilization of the Reserve Forces during peacetime and contingencies are unnecessarily fraught with uncertainties and inefficiencies which seriously detract from their effective contribution to the total force. Our reliance upon these forces in the 1990s without remedying these problems would be both wasteful and dangerous.

A. Reaction Problems. The reaction capability of the Reserve forces is adversely affected by five significant factors: (1) the split control and support of the National Guard components, (2) the political constraints associated with a "callup" of the reserve forces, (3) real and perceived shortcomings in the readiness of reserve forces, (4) the problems of assimilating and integrating essentially three separately managed components under the single gaining commander during a time of crisis, and (5) the problems associated with the shift to the All Volunteer Force ("AVF") concept.

1. Federal-State Control Split:

The problem of control over the National Guard forces has received the most attention during the past 2 years as the governors of Massachusetts, Minnesota, and other states have filed law suits attempting to block the use of "their" units outside of the Continental United States (CONUS) during tours of active duty for training. These challenges were initiated primarily as a result of the use of tactical

airlift units, most of which are now in the Guard and Reserve forces, in Central America in support of the Nicaraguan rebels. In response to these challenges, in November 1986 the U.S. Congress amended the "Armed Forces Reserve Act of 1952" (1:NA) in order to

. . . limit (a) governor's consent over the Defense Department's ordering the National Guard to active duty for annual training ("annual tour" or "summer camp") or for voluntary duty in peacetime. (8:iii)

The constitutionality of that amendment was challenged in 1987 by Governor Perpich of Minnesota and is presently on appeal. (11:all) A copy of the District Court Decision is appended hereto.

In a thoughtful analysis of the legal position of the Minnesota challenge, David Leta, Esq., predicts that the amendment will ultimately be held constitutional and that the Minnesota challenge will fail since the Federal courts have consistently held that the National Guard is a Federal reserve force. (8:2) Leta then concludes that . . . "any limits on DOD's ability to order the Guard to active duty are Congressionally imposed, not Constitutionally imposed. Therefore, the 1986 Congressional amendment is constitutional." (8:3)

After making such a conclusion and in typically attorney style, Leta then points out that the Federal courts have also held that guardsmen are state employees for purposes of allocating responsibility and damages for injuries caused by these guardsmen while on active duty. (8:3) Although the latter reasoning would imply that the guard units had to be found to be under the control of the states for the states to be the responsible employer, this author (also an attorney)

believes the cases to be clearly distinguishable unless the guardsmen involved had been ordered to the relevant tour of active duty to support a strictly DOD mission.*

Regardless of the outcome of the Minnesota challenge, the fact remains that keeping essential reserve forces under a system where there is even a question as to whether they are controlled by DOD or one of the 50 states (or protectorates or the District of Columbia) unduly restricts the availability of these forces for uses short of a formal "callup." As a practical matter the likely need to use any reserve force is leaning more and more toward quick, secret, surgical, low-intensity conflict situations such as Grenada. In such cases secrecy will preclude "calling up" the reserves in order to overcome a state governor's political intransigence. In reality DOD will have paid the bills for those unavailable units and in essence provided a private airline or military force clearly outside the scope of the "militia" concept for use by the state.

*Since this section was drafted the Circuit Court of Appeals has accepted the case for appellate review and indicated that the amendment to the act may not be constitutional (Perpich v. Department of Defense). So long as this possible interpretation can be made, regardless of the ultimate outcome of the case on appeal, this unnecessary and artificial state obstruction to the use and control of potential federal reserve forces could seriously interfere with the timely use of those forces in a quick, surgical reaction at the low-intensity conflict level and could seriously impede mobilization efforts in time of larger scale war.

2. Political Constraints:

Anytime a political leader "calls up" or otherwise activates reserve forces, he or she is sending an unmistakable message to potential adversaries. As a result, although Congress has recognized the active force shortfalls and authorized the President to "call up" 100,000 reservists for active duty for 90 days or less, so that these forces could be used without the need for a declaration of war, in reality no such formal action will be taken unless the situation is quite serious and probably well into our strategic warning period. (12:Sect 2) Hence the commanders such as those who have spoken at the Air War College express concern for whether they will realistically have any of these forces available for any contingency at the low-intensity conflict level. In a 1982 survey at the National Defense University, 52 percent of the students at the Industrial College of the Armed Forces and 48 percent of those at the National War College felt that political and legal restraints associated with the callup would probably preclude "rapid mobilization of Reserve Component units." (4:47) A similar 1984 study at the Logistics Management Institute identified this callup problem as a major deficiency of the total force concept. The authors, working under a DOD consultation contract, felt that ". . . some reasonable level of military capability should be available to the President to handle less-than-major contingencies

without having to use these involuntary callup authorities (provided under U.S. Code, Titles 10 and 673b)." (13:2-11, 12)*

To carry out a "callup" would not only send unmistakable signals to potential adversaries but would deny the vital element of secrecy to contingency planners and commanders of operations such as the Grenada rescue.

3. Readiness:

As noted, this problem has two components, those that are a part of the reserve component structure, such as the political constraints referred to above and hence termed "real," as opposed to those which occur in the perceptions of the active duty gaining commanders and hence are termed "perceived." As a practical matter, both shortcomings significantly reduce the combat effectiveness of the reserve component upon which our national defense policy planners continue to rely so heavily in making force structure and budget decisions.

a. Real Problems:

Besides the political constraints dealt with above, the three most significant limitations on reserve component readiness are equipment shortfalls (including misalignments), manpower shortages, and training deficiencies. These factors are followed closely by actual

*In a 1983 analysis for the Senate Armed Services Committee, Warren Lenbart also recognized the restriction that the callup requirement imposes upon the President's ability to project a credible deterrent in certain cases. (6:54-56)

mobilization problems with a large portion of the forces and transportation limitations on moving those forces that did mobilize and their equipment into the battle area in time to influence the war.

Equipment problems have been dealt with in the Air Reserve components better than elsewhere with the conversion of Air National Guard and Air Force Reserve units to front-line equipment, such as the F-15, F-16, and the newest C-130 aircraft. In the Army and Naval Reserves, however, the picture is not so optimistic. In many cases, Army Reserve units have substantial equipment shortfalls and misalignments due to obsolescence. (7:36) Some early mobilization support units that will provide maintenance support to active duty armor units do not have the same equipment to train on that they will be expected to support and maintain during wartime. (7:39)

Manpower management, to include force size and training, is a second area of major real concern to the readiness of the reserve components. Again, the writers in the area agree that the Air Force leads the other branches in effectively addressing these problems, at least in their unit programs of the select/ready reserve. Force management of the Air Reserve component, in relation to manning and training levels of the unit program, is on par with the active forces and in many cases the training and experience levels within the Air National Guard and Air Force Reserve units exceed those of the active duty units. However, a management review of the Air National Guard and Air Force Reserve between 13 January and 19 December 1986 pointed out several significant manpower problems between both the Air Guard and

Air Reserve units and their gaining commands (17:5-26) The "Official Use Only" designation of this document precludes specifically citing or paraphrasing the document, but all of the problems spelled out would be eliminated if all of these Air Reserve forces were placed directly under the gaining commands for both administrative support and operational control.

Army and Naval Reserve units on the whole are not so fortunate, apparently due to a failure of the active branches to consider these reserve forces a high enough priority for equipment allocations and management emphasis. (7:41-43)

The Air Force also leads DOD in the management of individual skills critical to wartime readiness. The Individual Mobilization Augmentee (IMA) program provides a means to identify skill shortages and align individual reserve resources that are kept trained and ready to mobilize as part of the Selected Reserve against previously identified wartime manning shortfalls. The use of these reservists upon callup is often misunderstood by those not actually involved in the program. In fact, in one article identifying shortfalls in the civil engineering field, the author excluded the IMA resources of the commands from his consideration of how to meet projected shortfalls in this career field. (16:77) In actuality, although IMAs train as augmentees to a specific military position, they are identified to fill any wartime manning shortfalls in their specialty code (AFSC). As a practical matter, whether the skills were utilized against civilian or military shortfalls would be irrelevant during a crisis. This program

has been very effective in preventing skill decay for the personnel assigned to this category, although some argue that the cost of the program is "relatively high." (3:41) For training, an IMA will generally have to report to the active duty unit to which he or she is assigned for between 24 and 26 days per year, with those in supervisory positions generally serving an additional 15 to 20 days per year in order to meet administrative taskings for their functional areas.

With the exception of the IMA program, management of the Individual Ready Reserve (IRR), the Standby Reserve, and the Retired Reserve is minimal and in many cases does not even include maintaining sufficient contact with the personnel to facilitate recall and mobilization of these personnel should the need occur. During such exercises as MOBEX 76, NIFTY NUGGET/MOBEX 78, and PROUD SPIRIT (1980), attempts to mobilize IRR fillers often met with no response at all since the individual reservists could not be found. (7:34-36)

If these personnel are to be realistically utilized as fillers for active duty and mobilized reserve units, far more management effort must be directed toward them. As it is now these personnel are neither categorized by skill decay, age, nor realistic availability. (19:53) In addition, no attempt is made to track the civilian sector skills which these personnel acquire that could readily convert to a required military skill in a contingency or war scenario. (19:66) Several allied countries have programs that much more effectively manage this segment of the reserve component. (19:47,57,66)

Although inadequate management of the IRR fillers contributes to the mobilization difficulties which have surfaced during past exercises, other structural problems within the government sector impose additional shortcomings onto the mobilization process. One such problem concerns the Federal Government support of the Guard and Reserves on the one hand, and the designation of numerous civil service positions as "war essential." As a practical matter, the same problem applies to many Defense contractors whose personnel policies have also been supportive of the Guard and Reserve and whose employees include numerous prior (military) service personnel. In any event, upon mobilization under current management policies of the reserve forces, many of the reservists and guardsmen called to support the war effort may turn out to be illusory resources either to the reserve component to which they have been called or to their "war essential" positions in the DOD Civil Service or Defense contractor employment rolls.*

A good example of this problem is documented in an Air Force Institute of Technology (AFIT) master's thesis by Captain York D. Thorpe in September 1983. Captain Thorpe systematically documented the number of war essential civilian Air Force civil engineering positions

*There are certifications of availability required from civilian supervisors, but as people upgrade or change positions (both military and civilian), these certifications are not always tracked, leaving some "holes" in the system. In the author's experience these certifications are often not taken seriously by the reservist or guardsmen's civilian supervisor, and few government agencies track overall (total) reserve participation by their civilian employees.

throughout CONUS tasked with PRIME BEEF (Base Engineering Emergency Force) duties upon mobilization and compared those positions with reserve mobilization commitments by personnel in that civilian force. Some bases were short by as much as 36 percent (Barksdale AFB) and 24 percent (Hill AFB) when all reserves were included in the study. (16:63,59) When the consideration was narrowed to include only ready reserve personnel, the shortages were reduced to an average of 12 percent, with AFLC bases being short 16 percent. (16:75)

A recent survey of IMAs assigned to AFLC contracting and manufacturing directorates also reflected a significant number of assigned IMAs that were occupying civil service positions as contracting officers within the same or similar directorates to which they were to be assigned upon mobilization. Clearly these persons would not increase the wartime pool of contracting officers available to the Air Force during a mobilization. However, as the senior IMA in one of these directorates, the author is also aware that the availability of some personnel with full-time availability is essential to the management of the program, and these dual-hatted persons provide invaluable day-to-day contact and management assistance within the program. In addition, these persons would be more valuable to the Air Force than a regular civilian contracting officer as a result of their additional assignment and other availability considerations as military personnel. What is critical with regard to these persons is that they be recognized as a necessary training support asset, managed as such,

and recognized for their additional flexibility and skills rather than as a net gain wartime augmentation asset.

Until the relative priorities of these war essential civilian and reserve mobility positions are determined and the conflicts effectively dealt with, there will be a significant shortfall somewhere in the manpower pool needed to successfully prosecute a contingency or war action.

The last of the major "real" limitations upon reserve force utilization is that of timely air and sea lift resources. Although this problem impacts CONUS active duty forces as well as reserves, the fact remains that the strategic lift resources of the country are inadequate to move the mass of troops and equipment that may be mobilized in time of national emergency. As more mission elements are assigned to CONUS reserve forces and some forward units are drawn down, reliance on strategic lift will be further increased and the imbalance shifted further to the deficit side.

As it stood with the November 1982 Congressional Budget Office Report, the NATO force balance during the initial 90 days following Warsaw Pact Mobilization will fall significantly below that estimated to be necessary [1.5 Armored Division Equivalents (ADEs) for Pact to each 1.0 ADEs for NATO] for NATO to defend its territory. The only timeframe during which NATO forces are projected to be close to or within the necessary ratio is between day 14 and day 33. (7:14) With this limitation, barring some unforeseen factors, shifting additional ground forces from active duty to reserve divisions does not

appear feasible, particularly if all of the equipment and supplies for those divisions must be lifted from CONUS in that initial 90-day period. (7:15)

Until the currently projected lift deficiency can be corrected, reserve components will be forced to rely on internal and minimum support deployment of their forces and the utilization of more prepositioned war materials, particularly if the national policymakers retain the all-volunteer force (AVF) concept.

b. Perceived Problems:

Whether the reserve components are able to perform their wartime missions or not makes little difference if the active duty officers in the respective gaining commands and key defense policymakers do not perceive them as either ready or available for use at all necessary levels of conflict. While some of the concerns expressed by general officers speaking at the Air War College during the academic year 1989 are clearly real, such as the political limitations, equipment, and manpower shortages associated with a "callup" of the reserves, other problems exist with the perception of the active duty force as to reserve readiness and availability.

In a 1982 study at the National War College, Browning et al documented several shortfalls of the reserve components that were "perceived" among their active duty counterparts. While emphasizing the fact that the Air Force has integrated its reserve forces better than the other services and overcome some of the perceived shortcomings

of the other reserve forces, the authors point out that not keeping up with block obsolescence of aircraft systems in the past led to dramatically reduced reliance on these forces and has resulted in large capital expenditures during recent years. (4:11) They point out that there is very little "middle ground between being totally unready and ready to mobilize and deploy at once." (4:11) Finally, they feel that the failure of the Army and Navy to place long-term command emphasis on their Reserve component management, their failure to supervise and evaluate their reserve components in conjunction with their "wartime gaining commands," and their failures to provide high levels of full-time cadres, advisors, and adequate training budgets for their reserve forces have resulted in actual lower readiness and even more derogatory perceptions of those forces' capabilities by the corresponding active duty forces. (4:3,12) The authors specifically criticize the Naval Reserve active duty personnel referred to as "TARs" (Training and Administration of the Naval Reserve) as being on career dead-ends and several other policies reflecting only half-hearted support for the reserves by senior Naval officers. (4:15)

While many of the Naval Reserve problems are actual as well as perceived, all of the reserve forces suffer in relation to their gaining service's perceptions of their ability to recall, mobilize, and deploy within the time constraints imposed by various contingency scenarios. In the recent past, at least in the Air Reserve components, guard and reserve personnel have supported contingency operations in "voluntary" status. During the Grenada operation the first aircraft

on scene was a Pennsylvania Air National Guard EC-130, operating with an all-volunteer crew. One of the speakers at the Air War College in the fall of 1988 also admitted that the first airlift sortie to land on the island of Grenada was manned by a volunteer all-reserve crew. Although this volunteerism is commendable, manning a small, surgical operation with a few augmenting reserve crews and needing a quick response by a full-sized force might well be another story. There are, by the part-time nature of the reservist's commitments, conflicting job requirements that must be resolved, although on several unit-sized deployments the author has repeatedly observed a high degree of commitment by members of the 419 TFW where nearly 100-percent of the members of the unit participated on such exercises and deployments. In fairness, however, these exercises were planned well in advance to allow the reservists full flexibility to reschedule civilian commitments..

Another factor that contributes to the "gap" between real and perceived reserve force capabilities is the fact that under current statutory guidelines it is impossible for gaining commanders to realistically exercise the recall, mobilization, and deployment of their reserve forces. Into the vacuum created by this shortfall, commanders look to prior mobilizations, such as for Korea, where mobilization was totally unsatisfactory to meet the needs of the active duty force in the then current political environment and to the mobilization exercises in 1976, 1978, and 1980 cited earlier. Although most current reservists are dedicated and would probably turn out in

large numbers when called, absent realistic wartime or exercise experience to correct these historical perceptions, gaining commanders will probably continue to view the reserve force utilization with the same skepticism reflected by one general officer who spoke to the AWC class of 1989 on a nonattribution basis and who planned and executed an entire operation without even considering the possibility of using his reserve forces (which comprised by far a majority of the personnel under his command and nearly the entire contingent of some types of support functions).

The NWC survey of reserve force perceptions included in the Browning article points out significant perception shortcomings on the part of active duty members of all services attending the school during the 1982 academic year and highlights the extent to which the services have neglected the task of educating their active duty forces on the capabilities (and limitations) of the reserve components that will augment them during wartime (4:59). A brief, informal survey of a small sampling of AWC students after the 1-day block of instruction devoted to all reserve forces during academic year 1989 reflects similar inadequacies in that education process today.

4. Integration With Gaining Commands:

At the present time the Army and Air Force Reserve forces are each managed under two separate and distinct entities: the National Guard Bureau or the component Reserve Force (i.e., Air Force or Army Reserve). As a result, a gaining commander will have three separate sets of forces that he will have to integrate, under pressure of a

crisis, before he can use this "total force" during a contingency; those managed through the active force units, those jointly managed through the Guard Bureau and states, and those managed by the Air Force Reserve or Army Reserve. Each of these components has their own administrative and control requirements and operating policies, their own administrative hierarchy, and their own regulations and supplements to operative plans and regulations. For all but a small portion of the Army National Guard forces which realistically fall under the states' requirements to protect against civil disorder as provided by the militia clause of the U.S. Constitution, this administrative duplication results in the needless waste of scarce defense funds and unnecessarily clouds the chain of command and control over these forces.

As the force structure now stands, subject to conflicts with state control over the guard forces, all of the reserve components are under the operational control of their respective gaining commands. Those commands provide complete administrative control over and support to the active forces assigned to them. Yet the administrative support for guard forces is provided by a separate bureaucracy that includes each of the 50 states, the District of Columbia, and the protectorates. Meanwhile, the Reserve forces are administered through a separate administrative chain of command (such as HQ AFRES and three separate numbered Air Forces, depending upon which gaining command those air reserve forces will fall under for operational control). These separate administrative headquarters are

not particularly large, and they do administratively manage the peculiarities of their separate forces in a satisfactory manner, but they also duplicate each other's efforts and the efforts of the active duty gaining commands in order to provide that support.

Unfortunately, as we developed our reserve components over the years, a great deal was done without a long-range plan or a lot of forethought that went into force structure considerations. As a result, what was initially a small militia of foot soldiers has been augmented over the years with such equipment as tanks, fighter aircraft, and other major weapon systems. For a good part of that history there was no real alternative to what had evolved from the militia into the National Guard, the assets given to these initial reserve forces were obsolete, and very little reliance was placed upon the resultant forces. However, with the evolution of the reliance upon the total force, it is time to streamline the command and control of the entire package.

5. Reserve Impact of AVF:

The elimination of the draft and implementation of the All Volunteer Force (AVF) have had a definite adverse impact on all DOD personnel costs, manpower availability, and the quality of entering manpower. As predicted by the Gates Commission, the change in manpower demographics simultaneously enhanced the importance of the reserve forces and undermined the quality of the manpower pool available to those reserves (3:7-9) whereas the draft had indirectly benefited all of the services and the reserves with enlistments of potential

draftees seeking to avoid compulsory army service, the AVF has relied on financial incentives to draw the necessary enlisted force from the limited and shrinking pool of available 18- to 20-year-olds. Without the threat of a draft the available pool has shrunk to the point where the services are now forced to accept enlistees with far lower aptitude and achievement test scores. In spite of this reduction in quality of the force, the pay increases that were enacted to facilitate the transition to an all-volunteer basis has caused substantially higher personnel costs to all branches. (3:8,9) At the same time, while more emphasis is being placed on reserve forces due to the reduced active duty force size available under voluntary conditions, the active duty force has taxed the available cohort of young men to the point that the reserves have not been able to fill their needs, in spite of the reductions in reserve force size. (3:8,9) Analysts expect this problem to get even worse as the Vietnam era pool of prior-service reservists moves out of the system. (3:9)

In evaluating the availability of manpower to the reserve components, the experts on the Gates Commission found that they had seriously overestimated the responsiveness of the manpower pool to the proposed pay increases that accompanied enactment of the AVF. (3:11) When the potential pool of reservists did not respond to the pay increases (absent draft incentive) the elasticities were reexamined in light of the "moonlighting" job market characteristics and found to be in error by a factor of 10! (i.e., reservists were only one-tenth as responsive to the pay increases as had been assumed by the Gates Commission) (3:15)

While McBroom and some others feel that there is a future for the AVF, they base this conclusion on some very expensive assumptions. McBroom points out that even with the surge in military compensation that took place in the first years of the Reagan administration, military pay comparability never quite caught up with the civilian sector, and the gap has widened dramatically each year after 1982. (9:28) With personnel costs accounting for by far the majority of the DOD budget, the substantial wage increases necessary to close the comparability and necessary manpower gaps will make it impossible to maintain the desired force size with the current budget allocation, let alone a reduced Gramm-Rudman-Hollings budget. When the added nonwage, quality-of-life improvements which are also needed are brought into play, the cost of the AVF active duty component is just not realistic. (9:31)

As an example, when the AVF was most taxed in the 1974 to 1975 time frame the services enjoyed a large number of late Vietnam-era enlistees already on the books, and they were severely taxed to draw the one 18-year-old in 5.4 that was necessary to meet minimum force requirements. In 1992 the Vietnam-era "pad" will be gone and the services will have to recruit one of every 4.1 18-year-olds in the economy. (9:31) These expenses and the projected costs of trying to stop the outflux of pilots being drawn to meet airline demand will place an undue burden on an already overstrained defense budget. (5:7,8,11)

When the cost factors and the reduced 18-year-old cohort are applied to the reserve component of the total force, we can expect even more shortfalls in both numbers and quality of personnel accessions.

B. Prospects:

As mentioned earlier, the prospects of solving the problems associated with the political pork barreling and other distortions to the national defense policy which require comprehensive congressional reform are not particularly favorable. However, the legal challenges by the state governors may precipitate some action to pull the nonmilitia forces from the state guard structure and place them under either the federal reserve forces or, preferably, the active duty gaining commands. If any initiative along these lines arises in Congress, then the services should be prepared to capitalize on the congressional momentum and push for a totally consolidated force.

Similarly, the elimination of the "callup" requirement as a condition precedent to the involuntary use of reserve forces will face a battle centered around the civilian control of the military. However, since it is Congress that is pushing the shift in reliance from active duty forces to the less costly reserve forces, the logic to resist on the grounds of civilian control does not hold up under scrutiny. In fact, while those units were a part of the active duty force structure, the President could order them to duty for up to 60 days without any formal approval by Congress. The fact that the unit flags are now transferred into the reserve components should not, in

itself, dictate more restriction on their use. (Unfortunately, those transferred into the Guard structure do acquire numerous statutory obstructions to their use, so this logic will not apply as long as the forces end up in that force component.)

Finally, if the politically infused problems can be solved, the problems related to real and perceived readiness have the best prospects for successful remedial action, so long as the services will place the necessary priorities upon the equipment and training requirements of the force. The specific avenues for achieving these objectives are set forth in the next section.

C. Possible Solutions:

If the structural changes suggested in Chapter I have been implemented, then the split administration and control problems will be solved and the correction of the readiness problems can proceed without near the political hyperactivity. The total front-line reserve force will be under Federal control and available for use alongside the active duty forces of the major commands. The President would not be required to "Federalize" or "call up" these forces, and no state governments would have any standing to interfere unless the limited militia forces were also needed. (In the latter scenario the mobilization would be so general that "federalization" or "callup" would not be a problem anyway.)

(1) Mobilization Authority

The crux of the readiness and utilization solution would be the ability of the gaining commanders to realistically exercise this

mobilization and deployment capability on a regular basis. This would require that at least a portion of these annual exercises be performed on a no-notice basis to test the actual response to the alert and recall procedures and to allow commanders, reservists, and civilian employers to identify and correct choke points in the transition of these reservists to active duty. Such exercises would force civilian and Civil Service employers to identify and manage skill conflicts which would arise with a mobilization effort and allow the reserve unit to demonstrate actual capability to the active duty commanders.

As a practical matter, the support of civilian employers for the Guard and Reserve is probably not adequate to induce these employers to tolerate the disruption to their business efforts without federal legislation actively encouraging (or requiring) them to participate up to a certain percentage of their noncritical wartime personnel. This percentage would not have to be high and could probably accommodate the needs of the reserves if set at 10 percent.

As noted in the 1982 NWC study on The U.S. Reserve System: Attitudes, Perceptions, and Realities, another aspect of solving the reserve readiness perception problem lies in the professional education process, all within the control of the services. (4:55) As an example, during this academic year at the Air War College, the curriculum devoted one day to all Guard and Reserve forces, in spite of the fact that all major components of the three services are augmented by Guard and Reserve forces. Several commanders, including some with a majority of their forces composed of reservists, never

mentioned the part that those reservists play in carrying out their command missions. If the total force is the force that future leaders will manage and fight with, then those leaders need to learn all they can about the capability of the reserves that will be augmenting their pared down active duty forces.

(2) Equipment:

The issue of remedying equipment obsolescence and shortfalls is one where, however painful the choices, the services can control the allocation of their resources to bring about the cure. Granted an extra infusion of resources from Congress would make the task less painful, but in any event the priorities will have to be realigned to raise the combat readiness of the currently deficient forces. In the short run, the Army may have to rethink some of their current equipment allocations between active and reserve forces. This will entail a trade-off of a more combat-ready active force and a totally ineffective reserve support cadre for an active force that is partially equipped with older armor in order to give the reserve support units some current equipment on which to train. Under such a scheme, the reserve component units could be divided to support active forces having the same equipment, even though some of those active forces were downgraded to the more obsolescent equipment currently maintained by all of the reserve support units. As the active units upgraded, then so would their back-up support units on the reserve side of the force structure, but at all times the equipment would be allocated to maximize the effectiveness of the total force once it was mobilized.

The risks inherent in the short-term equipment shifts are obvious, given the current shortfall in strategic lift resources. Until the latter problem is solved, the Army will probably continue to resist any effort to remove the first-line tanks from their forward deployed units in order to upgrade the capability of reserve forces that may not make it to the war in time! If, however, Congress directs the redeployment of a portion of that forward deployed force to CONUS, then the decision becomes easier, although not without pain.

The Navy, like the Army, is going to have to realign expenditure priorities if it is to upgrade the nonflying portion of its reserve forces. However, as reflected in the discussion on Naval Reserve manpower below, the problem with the Navy seems to run to the very heart of the matter of whether they really accept the concept of a viable Naval Reserve as a part of their Total Force Structure. To date, their support of the concept has been the least enthusiastic of all branches. (4:14)

(3) Manpower Shortages. The problem of correcting manpower shortages will be more difficult for the reserve components than the problem of equipment shortfalls and misalignments. This solution will require shifting priorities, extensive recruiting from a significantly reduced cohort of induction-age young men in direct competition with the active duty force, and probably a return to some form of a currently politically disfavored conscription.

The Air Force is already shifting priorities to meet the manpower shortages in aircraft maintenance fields under the Rivet Haste program. In recognition of the shortages, aircraft maintenance personnel are being trained to cover a wider spectrum of tasks. The price to the force is less depth in the specialist fields, with more of the intricate repairs being relegated to the depot maintenance. Similar adjustments will be needed across the spectrum of active and reserve forces as the available cohort of enlistees shrinks toward a projected 1992 low point. (9:10)

A second possible realignment of priorities that could reduce the demand for staff personnel and allow a redirection of these resources into more critical areas would be to eliminate the intermediate headquarters such as the numbered Air Forces and their equivalents in the sister services. As a practical matter, these headquarters act as a relay for Major Air Command policies and directives that could be disseminated directly from these commands to the wings and their counterparts. Unfortunately, the very savings in dollars and manpower positions are probably the very reasons that the services themselves will never support such realignments. Those intermediate headquarters are home to a significant number of General Officer positions that the services are not about to relinquish.

The allocation of manpower to these intermediate headquarters affects the reserve component manning both directly and indirectly. On a direct basis, the reserve components have as many of these intermediate headquarters as do the active forces. If anything, the

reserve versions of these headquarters contribute even less to the total force capability than do their active duty counterparts. Indirectly, even the inefficient utilization of manpower by the active force affects the reserve components because both draw from the same decreasing cohort of available inductees.

Unfortunately, as the forces move into the 1990s all will suffer from the politically expedient elimination of the peacetime draft after the Vietnam war. While the All Volunteer Force ("AVF") was a boon to the career force in that it resulted in an across-the-board increase in pay rates, that raise was concentrated on the lower end of the scales to induce an adequate number of the induction-age cohort to volunteer for military service. The result was to shift the economic burden of the draftee-based military system from the draftees who contributed 2 years of their lives at conscript wages to the U.S. taxpayers. Unfortunately, as the induction-age cohort shrinks, the services will now have only one way to obtain necessary manpower--to compete with industry and the economy for these limited personnel. Once the process is reduced to a supply and demand function, the participants in the marketplace having the least dollars with which to compete will end up with the smaller supply of personnel. Whether we disguise service dollars as salary or indirect costs such as educational benefits, we must still enter the competition with an ever-more-limited defense budget during the 1990s. Advertising and increased recruiting efforts will help to reduce the shortfall, but will probably not ensure that the services will meet

their requirements. And, unfortunately, the reserve force personnel responsiveness to the increased pay levels of the AVF is much lower than the responsiveness of the active force personnel. This is the result of a previously undetected difference in the elasticities of supply of full-time versus part-time military personnel discovered during and after the Gates Commission's evaluation of the All Volunteer Force. (3:9,10 and 13) While the Gates Commission estimated the elasticity for active duty forces to be on the average of 1.25 (i.e., a 10 percent increase in pay would lead to a 12.5 percent increase in the personnel supply), as it turned out, reserve force elasticity in the AVF environment ranged from a high of only 0.8 to a low for members with 6 to 10 years of service of 0.3. (3:10) In other words, to get the same recruiting response to pay increases experienced by the active force, the reserve components would have to increase those pay raises between 50 percent and 400 percent!

To make matters worse for the reserve components, the large portion of their force which has been often criticized as over-age and over-grade entered the service during the Vietnam era and is eligible for or approaching retirement. As this hump withdraws from the system, the demands for replacements will seriously complicate an already bad recruiting picture. (3:13) These increased demands and the harsh realities of reserve force responsiveness to pay increases make the reserve manpower prospects for the 1990 grim unless Congress is willing to shift the supply curve with some nonmonetary factors, such as reinstitution of some form of draft.

While opponents argue that a draft is politically unacceptable, since it places an undue burden upon the induction-age cohort, this author would argue that just the opposite is true. Each previous generation, most clearly since World War I and through the Vietnam conflict, has provided its contribution to the defense of the country in man-years of service at conscript pay rates. This is clearly a tax of the most severe nature. To now shift an even greater share of the current defense manpower costs to these same generations, now in the form of higher taxes from their incomes, while shielding the current generation of 18-to-20-year-olds from the lesser burden of draft service during peacetime, is to make a mockery of the concept of equity.

The question then arises as to whether some form of conscript service in the active duty services would benefit the reserve components. The answer, historically and logically, is that the reserves are indirect beneficiaries of the draft, particularly if it is structured so that a potential draftee can fulfill his (or her) obligation with an alternate, and significantly longer, period of service in the reserve component. During the recent election campaign, now Vice-President Quayle received considerable publicity

concerning his participation in such an alternate form of service during the Vietnam era.*

The return to the draft would also permit some reduction in the CONUS rotation base which many have found to be a limiting factor on the number of units which could be converted from active duty to reserve components. (15:v) A classic example of these rotation base problems is the crews of armored vehicles, of which 44 percent already serve overseas at any given time. (7:31) If draftees could be put into these type career fields, with a limited overseas tour and a follow-on CONUS reserve commitment, then the need for career personnel in these areas would be reduced dramatically. Furthermore, assuming that draftees were paid at a conscript rate that was significantly less than career personnel during their limited tours and were either given no choice to take dependents overseas with them or a choice to take

*To avoid the taint of past political and financial manipulation of Guard and Reserve positions, the trade-off between active duty and reserve participation should be geared more to the responsiveness of the manpower pool. If an approximate balance of supply and demand for the reserve component enlistments required a 10-year minimum enlistment in the reserves to fulfill the draft obligation, as opposed to a 2-year active duty enlistment followed by a 2-year reserve obligation, then the balance should be set at such a trade-off rather than one where a reserve enlistment was at such a premium as to foster political favoritism to those in a position to exploit their wealth or family connections. Again, however, we are faced with the unfortunate dilemma of hoping that Congress and the state politicians will voluntarily relinquish their political "perks" in the interest of equity and providing the country with the best defense rather than one in which the politicians are overly preoccupied with their own parochial interests.

dependents only in exchange for an additional year at the forward location, then DOD costs at these forward bases would be significantly reduced.

Finally, in order to preserve the supply of skilled manpower available to the total force in time of crisis, all draftees and enlistees in lieu of draft would be required to serve at least 2 years in a Ready Reserve unit after release from active duty. Such service would preclude skill decay and provide a flow of trained manpower into the reserves. As an incentive to continue this reserve participation, GI educational benefits could be geared to this reserve participation and set at a basic 2-year entitlement with an extension of those benefits to 4 years so long as the recipient participated in reserve training in a satisfactory manner.

Another alternative to the manpower problem in the reserves alone would be the initiation of a limited draft for reserve service. This alternative might be more politically acceptable, but would have several serious shortcomings, not the least of which would be that it would do nothing for the active duty force manpower problems. In fact, such a draft would further reduce the cohort available for recruiting by the active duty forces. In addition, such a draft would place a tremendous training burden on the reserve forces. Since a large part of the reserve training is done by the active duty components, the burden would dramatically increase active duty training requirements, while providing no trade-off in increased active duty trained manpower levels. Finally, in order for the training investment by the reserve

component to be cost effective, the trainees selected for service would have to serve for a considerable period of time, thus reducing the numbers of draftee participants in the program and leading to a less equitable allocation of the draft burden within the available cohort.

One last aspect of the reserve manpower problems lies in their ability to attract and retain full-time technicians. In spite of some advantages in the pay and benefits of these personnel, many of which generate criticism of the system, the reserve forces are experiencing increasing retention problems even with the prestigious F-15 and F-16 units. Several supervisors in such units have commented, on a nonattribution basis, that the trend has been for the new hires to come into the units as full-time technicians, only to get their foot in the door so that they can take the first part-time position that becomes available.

While some of this technician problem is undoubtedly related to the Air Force pilot retention problem, there are other factors in the work environment that need a hard look by reserve managers. Although there were an adequate number of personnel from the Vietnam era who were willing to work a 40-hour week in the technician job and then add another 15 or more hours per week to the same job as a reservist, the current group of active duty separatees does not appear as willing to do so.

Perhaps this group would be happier with a greater premium on their free time, serving a basic 40-hour week without the extra commitment which currently results the least 10 straight work days at

the same job. This could be accomplished with a system of "comp-time" or flexible scheduling to accommodate reserve-unique duty hours, or some of the positions could be filled with "Green Card" (extended active duty) military personnel such as those now serving under U.S. Code, Title 10, Section 265, on various headquarters' staffs.*

4. Training Levels and Mobilization Capabilities. While training levels and mobilization capabilities clearly and directly impact the combat readiness of the reserve components, they are significantly affected by the current operation and management of the force. In order to avoid duplication of effort, these aspects are more fully covered in Chapter III below.

*"At the same job" is what differentiates the part-time reservist from the technician. After serving the reserve program on both a full-time and part-time basis, the author found the weekend training assemblies the most distasteful part of the program, even while on a part-time basis. However, the part-time reservist has the advantage associated with the saying that sometimes "a change is the next best thing to a rest."

CHAPTER III

CRITICISMS OF CURRENT RESERVE OPERATIONS

A. Problem Identification:

Before the reserve components can gain the complete confidence of the American public and fulfill their potential contributions to the total force, several criticisms (in addition to the structural problems noted above) must be addressed and redressed. Many of these problems stem from loopholes generated during the patchwork additions, deletions, and changes in the administration of the reserve program during their haphazard development. Like Internal Revenue Code or any other loopholes, once they are discovered they tend to be fully exploited and fiercely protected by those who are benefited by the status quo system. For analytical purposes, I have arbitrarily grouped these nonstructural problems into five categories: pay, training management, active duty skill drain, manpower and organizational structure, and force utilization.

(1) Pay. Like all problems, some aspects of the pay criticisms are based on real defects in the system and others are more perceptual. Since both classifications impact on the willingness of taxpayers and their elected representatives to back the program, the analysis will deal with both types. As reflected in the minutes of the legislative committee hearings before enactment of the Armed Forces Reserve Act of 1952, Congress was concerned with structuring pay and allowances in such a manner that weekend reserve duty would be

attractive to those members of society that were already fully employed in the civilian sector. Several aspects of the pay and allowances granted to the reserve component reflect this concern. Others appear to have been incentives directed toward the government sector to encourage civil service employees to participate in the program and to set the standard for private industry support of the program. While the incentives to induce participation by otherwise fully employed civilian personnel are necessary, especially in light of the low monetary elasticities of supply for reserve forces found after the Gates Commission analysis of the All Volunteer Force (AVF), (3:9-13) some of the benefits to the government employees do exceed the realistic needs of the program and, in fact, create inequities between these participants and their counterparts from the private sector. The "drill incentive," however, is a different story. To eliminate the "drill" incentive would have a disastrous effect on reserve retention. This incentive allows a reservist or guardsman to draw the equivalent of one-thirtieth of a month's pay (i.e., basically 1 day's pay for his active duty counterpart) with one-thirtieth of a month's flight pay, if applicable, for each 4-hour inactive duty training period served. For selected reservists who receive inactive duty training or "drill periods," this training is generally performed at a rate of two per day on one weekend per month.

This incentive is what leads to the perception that reservists receive double pay in comparison to their active duty counterparts.*

Along similar lines, although more serious is the practice of some Air Guard units paying crew members 3 days' pay for a single 24-hour block of duty. This is done by scheduling an active duty "day" of 8 hours before midnight and two drill periods of 4 hours each after midnight (or vice versa).** The practice is seriously resented by active duty forces who have pulled similar alert for approximately one-third of the amount, and the practice may well be a justification to remove those type missions from the reserve component forces.

A third and more serious problem with the reserve component pay structure involves all reservists who are civil service employees of the Federal Government, including Air Reserve Technicians (ARTs) (or the Guard equivalents) who are the full-time cadre in the reserve

*Reservists on active flying status also receive additional inactive duty training periods called "AFTPs" (Additional Flying Training Periods) for which they are paid for one 4-hour period as long as they fly. Each reservist receives 36 of these periods per year, most of which are performed on weekday flights. If they do not fly for any reason, however, they are not paid for their time on that date. In addition, Category B (and others) are scheduled for 24 inactive duty periods per year (compared to 48 for Category A unit personnel), all of which must be scheduled during normal duty hours in the organization to which they are assigned. Active duty, such as Annual Tour, is paid at the rate of one full day's pay and allowances for each day served, and the reservist receives one day's credit toward retirement.

**For full-time civilian employees in the reserve program, Air Reserve Technicians (ARTs) or the Air National Guard equivalents, the time on one side or the other of midnight can be in civilian pay status, which is often higher than the active duty portion of the reservist's/guardsman's 3-day pay package.

(Guard) units. Present law allows these government employees to serve 2 weeks of reserve or guard duty while on "military leave" status for which they receive, in addition to full active duty pay and allowances from the reserve/guard component, full pay from their civil service positions. This military leave is in addition to the normal annual leave to which all civilian employees of the government are entitled. In other words, a civilian reservist from the private sector will receive half (or sometimes less than half) of the total pay and allowances from the government that his civil service contemporary of the same military grade and experience level will receive for the same 2-week annual tour of active duty.

While it is understandable that Congress wanted to encourage government employee participation in the program when it was first set out, the blatant inequity of this provision should be corrected. While some civilian employees, demonstrating their support for the guard and reserve, make up the difference between an employee's regular pay and his or her reserve pay during annual tour, few, if any, pay their employees full salary during such duty.* As a practical matter, as noted above, many of these nontechnician civil service personnel may not be available to mobilize with their reserve units and are hence illusory resources to the reserve components at

*In 13 years the author has not found any private sector employers who pay full pay to their reservist/guard employees during summer camp or annual tour. If companies in the defense industry follow the civil service practice, the bill ends up in the DOD budget again only through a different route!

any rate. If the reserves are to be a dependable factor in the total force matrix, they will have to provide policy makers with a solid force that can be counted on to fully augment the smaller active duty force with fully trained personnel on very short notice anywhere in the world. Regardless of any "bonuses" which they receive for their participation, many of these civil service members do not meet those criteria.

The last area of concern in the pay field is the disparity between the compensation of full-time civilian Air Reserve Technicians (ARTs), or their guard equivalent, and those paid strictly according to their military grade, whether full-time active duty or part-time reservists or guardsmen. In a flying unit an active duty captain serving as an instructor pilot will be paid a monthly salary, including flight pay and pay for weekend days whether worked or not. An Air Reserve Technician will be paid as a GS-13 for a 40-hour week at an equivalent pay rate substantially higher than that received by the active duty counterpart serving in the same capacity with the same experience, plus reservist pay earned for active duty and inactive duty performed. The part-time reservist or guardsman will be paid one-thirtieth of the month's basic pay for each day actually worked. In addition, the active duty captain will receive his entire flight pay for the month, whether he flies or not, while the part-time reservist who is exposed to the same takeoffs, landings, and flying time will be paid only approximately one-third of the flight pay.

Besides the inherent inequity of such a pay system, the overpayment of the ARTs significantly impacts the total savings that should be achieved by missions being performed by reserve components. In the case of a flying unit, between approximately 17 percent and 38 percent of the positions are ARTs, who are used by the guard and reserve to provide continuity in the day-to-day operations while part-time reservists/guardsmen are at their primary places of employment. (3:35; 14:4) The high percentage of positions being filled by ARTs and the premium wages paid to this portion of the unit significantly reduce the savings which accrue to the force from the wage and benefits savings generated by the part-time elements. As a result, the personnel costs of a reserve/guard flying unit run at approximately 75 percent of those incurred by a similarly tasked active duty unit. (14:4) By contrast, an Army National Guard mechanized infantry battalion utilizes approximately 2.2 percent of the force in this full-time status and are able to operate at 15 percent of the personnel costs for a similar active duty unit and a total cost of approximately 21 percent of the active units' total cost. (14:6)*

*It would appear to the author that these studies of the cost differentials overstate present-day cost figures for the reserve component forces and hence understate the savings in terms of real present dollars. Even though the reservist of equal rank must wait nearly 20 years after qualifying for retirement and the active duty retiree gets significantly more pay and benefits immediately upon retirement, the author could find no evidence in the studies that the streams of payments for the two variables had been discounted to a "present value." Even if the reservist received the exact same payments as his active duty counterpart, once he started receiving

b. Training Management: The second major area of criticism directed at the reserve component forces deals with the training of their resources.

(1) As mentioned above, there is a significant portion of the reserve force allocated to the Individual Ready Reserve (IRR), Standby Reserve, and the Retired Reserve that are not effectively managed at all. During several major exercises during the past 10 years, many of these individuals could not be located, let alone mobilized to serve as fillers where needed. Most of those that could be located had participated in no post-separation training nor monitoring of their military specialty qualifications or any after-acquired civilian skills.

Although management of this force to reduce and track skill decay would require the expenditure of some funds, the marginal return on those expenditures would likely be very high and would go a long way toward eliminating the criticism that such forces "... almost by definition, can no longer meet professional operational skill requirements." (20:13)

*(Continued) the payments, the present value of the amount paid to the reservist 20 years in the future would be far less than the sum paid to the active duty member immediately upon retirement qualification. (See CRS: 65 for example) Some writers don't even feel that the deferred compensation and benefits should be included in the comparisons at all, and when such costs are included, their input into the comparisons are not standardized leaving the decision-makers in the position of trying to compare apples and oranges. (15:2-13)

The other side of this issue, however, lies in the content of the required training. In the author's experience in both the unit and the IMA programs, an inordinate amount of time is spent on "ancillary training" that is repeated year after year and of little or no relation to the combat skills required from the reservists. Filling these "squares" every year wastes training time that is, or should be too valuable to spend on such trivia, especially after many of the personnel have had the same training for the past 10 or more years.

c. Critical Skill Drain: One of the hardest criticisms of the reserve components to objectively quantify is that which claims that the reserve units "draw" high-tech, expensively trained personnel such as pilots from the active duty forces. Those who make such claims would also argue that in calculating the comparative costs of the reserve units, a substantial portion of the training cost incurred during active duty for these personnel should be allocated to the reserve components. At one point while under General Creech, Tactical Air Command would not even allow a reserve component flying unit to be colocated with an active duty unit equipped with the same aircraft for this reason.

Although logic would tend to confirm that some active duty personnel see the grass as greener on the reserve side of the airfield and hence resign from active duty to at least try that pasture, the author has seen the reserve unit situation keep pilots on active duty longer than they otherwise would have stayed. Since many reserve

flying units have significant "waiting lists" of pilots trying to get in, even the most experienced potential separating pilots have a fairly long wait before they are picked up by the reserve unit. Often, a pilot will stay with his active duty unit while awaiting his "turn," sometimes for several years.

The logic behind this "skill drain" criticism is also faulty in that it inherently assumes that if the pilots could not obtain a reserve position they would stay on active duty indefinitely. As a practical matter, experienced pilots will be drawn to the significantly higher paying airline jobs whether there are reservist positions available or not. If the reserve component units can attract those pilots and retain their skills and experience for even 2 or 3 years (while they work their way through the bottom rungs of the airline seniority ladders), then the reserves will have recovered the very skills that would have been lost if these pilots were not recruited into one of the reserve component units. As a practical matter, many of these airline pilots enjoy the reserve flying program as an adjunct to the more profitable but less challenging bus-driver routines of the airlines. Many remain active with the reserves until they attain 20 good years or longer, making the per-year cost write-off of their training as low as or lower than that of their counterparts who stayed on active duty.*

*The author's primary experience with these critical skills is in the tactical fighter operations. As a result, the pilot analysis has been used as illustrative of the wider skill loss argument.

Finally, the criticism ignores the fact that most of the pilots in the reserve units are part-time personnel who are paid far less per year than their active duty counterparts while maintaining at least as high, and in some cases higher, competency levels in their flying skills. From the total force perspective, for such reservists the reserve units have salvaged a skill and maintained a high level of competency at approximately 30 percent of the personnel costs for an active duty counterpart.

d. Manpower and Organizational Structure:

(1) In conjunction with the argument above that the full-time technicians are overpaid for what they do is the criticism that the units (particularly flying units) are manned too heavily with these overpriced resources, thereby reducing the savings that would otherwise accrue as a result of the part-time reservist personnel cost savings. While those with vested interests in the technician system argue vehemently against the elimination or reduction of the number of technician positions on the grounds that these are the people who make the system work and who provide the long-term continuity to the program, the author believes that this is a distortion of reality. While some technicians in the system are probably good, there are several reasons why full-time active duty personnel could do the job as well as technicians, for considerably less cost to the services, and with less adverse impacts upon the services' manpower for such requirements as overseas rotation manning.

(2) A second criticism levied against the reserve forces is that their manning is over-age and over-grade for the unit manning document. This criticism really puts form ahead of substance and ignores the fact that a pilot with 20 years of fighter (or other) experience, who is physically able and wants to continue flying, has a wealth of knowledge seldom seen in an active duty unit due to the rated supplement and operations staff tours which draw active duty pilots out of the cockpit during field grade years. Many of these "old head" pilots in the author's former unit (419 TFW, Hill AFB, Utah) have repeatedly demonstrated that they are the best in the Air Force during the biannual Gunsmoke competitions and other exercises.

If there is a valid criticism of the reserve pilot utilization in the total force concept, it is that the wealth of knowledge that these pilots have acquired is not better shared with the less experienced active duty pilots.*

*A few years ago some young company grade officers recently out of initial qualification training were assigned to reserve component flying units as a part of Project Season. The program was not enthusiastically supported by either the active duty side of the house (who were afraid that if the young pilots once flew with the reserve units they wouldn't want to go back to an active duty unit) nor the reserve side (We have the lowest accident rate in the Air Force with our experience level. Why risk accidents seasoning new pilots for the active duty force?) Shortly after the first accident involving one of these young pilots both sides claimed that the program wouldn't work and abandoned it rather than trying to make it work in the true spirit of the total force. Again, systemic parochialism precludes what could have turned out to be a real advantage for the total force.

(3) Next, critics object to spending what is required to fully equip a reserve unit with the most up-to-date equipment on the grounds (mentioned earlier) that political constraints and inadequate mobilization capability will preclude these units from effectively coming to bear upon a potential enemy in time to do any good. In many respects the argument says that we can't "play" at total force; if it's going to work it has to be done "right." The position has merit. If we are not going to fully equip these units with the same or equivalent combat equipment which the active duty counterparts possess, if we are not going to insure that we can mobilize the entire force in timely fashion, and if we don't exercise that capability regularly to work out the problems, then we are deluding ourselves and rationalizing away the crumbling of our military capability with meaningless rhetoric. We would be far better off to take the same cuts and live with the smaller, but dependable, active duty force that the remaining funds could provide.

(4) Lastly, the reserve components have been criticized that their top-heavy grade structure is too expensive, even considering the fact that these senior grade reservists get paid for less than one-fourth the number of "days" and accrue far less than one-fourth the current and deferred benefits compared to their active duty counterparts with the same skills and combat availability. Clearly, even the oldest lieutenant colonel reservist is not paid four times as much per work day as even the youngest active duty lieutenant on operational flying status. And, given the demographic breakdown

of the available manpower pool in the 18-to-20-year-old age group, the only way that the reserve forces will be able to retain the numbers necessary to man their units will be to keep these older participants, unless Congress is willing to return to some degree of compulsory military service for the younger, entry-level cohort.

B. Proposed Solutions:

Problems dealing with pay, whether real or perceived, can quickly cut to the heart of organizational morale. In the case of pay funded by tax dollars, such perceptions can significantly erode public support for otherwise valuable programs. By the same token the reserve community will have to look closely at the inefficiently utilized assets in the standby reserve program. As budget dollars become more and more scarce in response to pressure to reduce the deficit, the defense community cannot afford either problem.

1. Double Pay:

The "double pay for drill periods" problem is more one of perception than one of abusing the system by reservists. As referred to earlier, Congress' intent was to build in the incentive (particularly for lower enlisted grades for which the daily pay would not be worth the time and effort required to participate, but also to keep officers and other higher paid civilians in the program) in order to draw and keep an adequate force. However, if the perception were to be cleaned up, perhaps the active duty resentment and public concern could be minimized.

One way to clear up the perceptual problem would be to recognize two realities that directly impact reserve participation, and on the basis of these realities realign the manner in which reserve component payments are made. In the first place, we must face up to a reality that was only indirectly acknowledged by Congress when the current pay system was implemented: from the point of view of the reservist, his or her participation in the program requires a commitment to considerable and regular "overtime." While the services can look at the reservists' participation as "part-time," to the individual who works a full-time job elsewhere this is an expenditure of time and energy on an "overtime" basis. From the view of the participant (particularly one who places a premium on leisure alternatives), he or she should receive from the standard "time and one-half" to "double-time" for these overtime efforts, depending on the extent of additional time commitment required.

Secondly, as the analysts involved in the Gates Commission analysis discovered, the participation responsiveness of potential reservists to pay increases is far lower than that of the active duty force. In many cases the responsiveness was only one-tenth of what it was for potential active duty personnel. While part of this elasticity difference is explained by the "overtime" considerations referred to above, another aspect that must be considered is the increasing premium placed upon leisure time by the post-Vietnam generation (3:17). As the marginal utility of the potential reservists' leisure time rises, he or she will demand higher compensation to draw him or her into the force.

Finally, to the potential participant in the reserve program there is very little, if any, difference in the marginal cost (in terms of leisure forfeited) of time spent on active duty status (such as summer camp/annual tour spent during all or a portion of his or her vacation from civilian employment) as opposed to inactive duty status. Why then is the reservist paid at nearly twice the rate of pay for inactive duty

These problems recommend a solution within the following parameters:

- (a) Eliminate the distinction between active and inactive tours of duty.

- (b) Pay reservists a daily, or hourly, rate consistent with the overtime commitment required and the realities of the income elasticity factors referred to above. These parameters would probably dictate that the standardized pay rate for reservists be set at, or close to, the current daily rate for inactive drill periods which is approximately twice that paid to active duty personnel of the same grade and tenure. Retirement points would be computed at the same "overtime" rate.

- (c) Eliminate the abuses from the system.

- (d) Correct incentive pay inequities.

Under current policies, a reservist is paid only one-thirtieth of the monthly flight pay for his grade and tenure for each pay period during which he actually performs duty. As a result, a reservist who

works 10 days per month, flies as many sorties and makes as many take-offs, landings, and weapon deliveries as his active duty counterpart will be paid only one-third of the flight pay received by that counterpart. This system is hardly an equitable means for reimbursing reserve pilots for the hazards encountered. If they meet minimum annual flight requirements, they should receive full flight pay each month.

2. Triple Pay:

The manipulative scheduling of 24-hour alert tours to allow Reserve (or Guard) personnel to claim and receive 1 day's pay at the active duty rate and 2 days' pay at the inactive duty rate for a single 24-hour period of duty is clearly an abuse of the system. Such abuses justifiably undermined public confidence in the integrity of the reserve program and inspire resentment on the part of active duty crews that pull the same or similar alert for approximately one-third of the pay. The Air Force has enough pilot retention problems without allowing abuses of this type. To pay reservists for overtime is one thing. To abuse the "system" is quite another.

If the proposals under subparagraph 1 above are adopted, then pay should be limited to the given rate for any 24-hour period. If the reservists are to be adequately compensated for "overtime" participation, then it is reasonable to limit the participants to that reasonable rate.

If the proposal under subparagraph 1 is not adopted, or as an interim measure, then reservists should be limited to no more than one

active duty or two inactive duty pay periods and attendant points toward retirement in any given 24-hour period, regardless of where the calendar day breaks within that period.

3. Military Leave:

Perhaps when the reserve program started, Congress felt that it needed an extra measure of support in the form of special participation inducements to civil service personnel. One of those inducements took the form of the military leave "bonus" policy for civil service personnel serving annual tours for training with the Guard and Reserve forces. However, now that the reserve components are forming a vital part of the Total Force, those components must be comprised of personnel available to immediately augment and complement the active duty force when the need arises. Since many of the civil service personnel currently in the reserve forces would not be available to augment the wartime essential manpower pool needed to execute contingency operations, the wisdom of relying on these personnel as part of the current Total Force is questionable at best. More importantly, however, is the inherent inequity of a program that allows government employees to be paid their full civil service salary and their military salary for the same 2 weeks' work, while reservists and guardsmen that are self-employed or employed in the private sector are making financial and leisure-time sacrifices in order to make essentially the same contributions to the reserve portion of the Total Force.

The inequity could be corrected with two possible solutions. The first would eliminate the paid military leave policy entirely and require government employees to participate in the reserve programs on their "own" time (i.e., annual leave or leave without pay status. A second possibility would be to accept a program implemented by some firms in the private sector wherein the employer allows the employee scheduling flexibility with his or her civilian job and pays the employee the difference between his or her regular civilian pay and the reserve pay during annual tour for up to 2 weeks per year. While this alternative would not compensate the self-employed participants for losses which they incur during reserve participation and would provide no "bonus" to those who were paid at a higher rate during military duty, it would significantly reduce the morale-eroding inequities that currently undermine the program.

In addition, as part of the incentives to draw quality participants into the reserve programs, reserve reform legislation might include tax or other financial incentives to employers who make up income losses for their employees serving annual tours with the reserve forces. Such incentive legislation could probably be extended to include tax incentives for such tours that included even self-employed reservist personnel. The costs of these incentives would be minimal compared to the overall defense personnel cost savings attained as a result of effectively shifting responsibilities from the higher cost Active Force to the reserve components.

4. Technician Costs:

Although the career Air Reserve Technicians and their Guard equivalents (hereinafter "technicians") will argue passionately that the technician program is the very reason that the air reserve programs have not only survived but excelled, the fact remains that the extra personnel costs attributable to technician wages significantly reduce the overall reserve personnel savings engendered by the utilization of high cost labor resources on an "as necessary," part-time basis. Put simply, the high cost of the technicians in the Air Reserve units causes a significant offset against the savings generated by the part-time reservists.

In addition, as mentioned earlier, the very structure of the technician positions requires that they spend 50 to 60 (or more) hours per week at essentially the same job, without benefit of overtime pay for the excess hours.

While the continuity and skill levels of the reserve forces is unquestionably enhanced by the stability of the labor force, this author disagrees with the self-serving attempt by the career technicians to tie this stability to the technician program. As mentioned earlier, these functions could be accomplished with as much stability by "green card" reservists serving extended tours of active duty within the reserve component units in the location of their choice. These "green card" personnel could also be augmented by regulars that would be a part of the CONUS rotation base and hence available for tours in the forward deployed units. Such "cross

pollination" between the reserves and active duty would also provide a larger cadre of regular officers that were familiar with reserve component operations, strengths, and limitations while providing input to the reserve units of the newest tactical and theater operational information from their active duty assignees.

To those who would argue that such assignments would destroy the stability and continuity of the reserve units, the author responds that the part-time reservists serving in key command and leadership positions already provide a large measure of that continuity in the units. The part-time personnel usually do not move as often as the technicians; many stay with the same unit for their entire careers while technicians often move between bases and weapon systems as part of the current reserve management process.

5. Training Management Solutions:

Improved management of the standby elements of the reserve components will require both effort on the part of the managers and funds with which to execute the improvements. However, on the whole the expenditures should yield a very high marginal rate of return in terms of readiness.

1. Retired Reserve:

The first and least expensive step in this management process would entail managing the retired reserve to prevent skill decay and improve the recall and mobilization potential of the group. Since at least part of the justification for the generous and early retirement program enjoyed by the active duty force is the "retainability" of

this group for recall to active duty, and since the group is already receiving adequate compensation for this availability, the direct personnel costs associated with better management should be minimal. In essence, these personnel would be compensated for travel to and from their periodic training location, but their participation in the required training would be a condition precedent to their receiving retirement/retainer pay from the services.

Following the pattern of the West German program, the continuation or refresher training for this group would be dependent upon the number of years elapsed since the member's retirement. (20:54-58) Those between one and five years of retirement would be required to participate at a level intended to avoid skill decay and to ensure an adequate proficiency level in their last specialty field while those more than 5 years removed from active duty would be managed for recall and mobilization only.

The training of the recently retired group would be further broken down by specialty code, with those having skills utilized in ready reserve units being attached to those units for their training and mobilization management. The training would include two weekend training sessions per year, with one such session coinciding with the annual no-notice exercise of the unit by the MAJCOM commander. The second session would be scheduled well in advance and divided into as many different groups and weekend periods as the size of the retired augmentee force dictated. Training periods would deal with primary specialty code and mobilization-related functions almost exclusively, with only absolutely essential update ancillary training included.

For those retirees having specialty codes not utilized in the various ready reserve units, the services could direct that training be accomplished in either a secondary or in some cases tertiary specialty, depending on the projected needs of the service and currency in those specialties at the time of retirement. Those in headquarters staff positions, support commands, and other unique areas would train with active duty forces in those areas as Individual Mobilization Augmentees (IMAs). This training would be in 2-day blocks during normal duty hours for the agency to which the retiree was assigned.

Any retiree who was not totally incapable of performing in his or her specialty area, and thus medically excused, and who declined to satisfactorily participate in the training would be placed in a deferred retirement status such as that currently in use for reservists otherwise qualified to retire. They would receive none of the retirement/retainer pay until they reached age 60. All personnel over the age of 60 at the time of retirement would be placed in the "mobilization only" category and not required to train annually to qualify for the retirement/retainer pay.*

*Although many of the retirees might well resent the annual training imposition into what has been a free ride, by making a distinction between retainer pay (while required to train) and retirement pay (after age 60 or no participation required), the enabling legislation might well circumvent one of the most stressful aspects of divorces for service members, the division of retirement pay (as marital property) with a former spouse. By requiring participation as a condition for receiving the "retainer" pay, such

2. Nonretired Standby:

The portion of the standby reserve force that is skilled but not on any retired or retainer status presents additional problems for the reserve force managers. To effectively manage the mobilization capability and minimize skill decay in this group, the same training program spelled out for retired reservists would be necessary, but would require additional direct personnel funding, a change to the enabling legislation, and a modification of current accession activities by the services.

Since these nonretired standby reservists have no financial connection to their former services, their participation in annual training would have to be in a pay status adequate to compensate them for their time and travel expenses. For many of these prior service personnel, the reserve pay adjustment factor discussed under the AVF problems above, or the current four inactive duty training (drill) periods per weekend, would have to be applied to the participants' last pay grade, as adjusted for additional years of service.

*(Continued) pay would be a part of the member's income and hence in part allocable to the unmarried former spouse in the form of alimony, but it would not be "retirement" pay, to which that spouse would get a fixed portion as "property" in the divorce. Although the logic may appear thin, the retainer pay argument was the basis for the U.S. Supreme Court decision in McCarty vs McCarty 453 U.S. 210 (1981) that denied the state courts of California the power to divide military retirements in divorce cases. The Uniformed Services Former Spouses' Protection Act that followed shortly thereafter was Representative Patricia Schroeder's (D. Colorado) legislative response to the decision. To date, the constitutionality of that act has not been tested, but with the current state of the retirement pay system, such a challenge probably would not succeed.

Even with the pay and travel cost adjustments a large number of these personnel would not voluntarily respond to the extended training program for the same reasons set forth above under the AVF discussion, and particularly as a result of the elasticity measurements of this group in the post-Gates Commission period. As a result the enabling legislation would have to require such training participation for a period equal to the prior member's active duty service period or 5 years, whichever was less.

Finally, recruiting, enlistment, and officer accession documents would need to disclose this extended training obligation at the time that personnel enlisted or received costly skill training at the service's expense. Unfortunately, if the AVF concept is continued, such disclosures will probably make the recruiters' jobs even more difficult than they will otherwise be expected to be when the inductee cohort reaches its lowest levels circa 1992.

3. Civilian Skill Tracking:

Often prior service personnel acquire potentially valuable skills in their civilian occupations. With available computer technology, such information could be made available to the services, easily updated during the annual mobilization processing, and treated in much the same manner as secondary specialty codes are now tracked by the active duty forces. Hence, should such skills become necessary during or prior to a contingency operation or other mobilization, these personnel could be mobilized, their training levels evaluated, and those skills utilized by the services.

4. Ancillary Training:

While all service personnel admittedly need ancillary training at some time in their careers, annual repetition of such training wastes the very limited and valuable time available to train reserve personnel in their primary mission-related duties.

After completing the original training in these areas, continuation training could be accomplished on a unit basis every 5 years with little or no detriment to the unit combat capability. If the unit were called up before the refresher training had been brought current, unit personnel could be given a refresher course after reporting to the unit and while awaiting transportation for a proposed deployment.

By eliminating these exercises in "square filling" and emphasizing the need for quality, mission-related training the services will provide needed encouragement to commanders and supervisors of these valuable reserve personnel resources to more efficiently utilize the limited training time available to them. Redirecting unit evaluations to reflect this emphasis would ensure that the program continued in this direction.

C. Conflicts of Interest. With the extension of retiree and other prior service affiliates with their former units, or units with the same mission, upgrades in the current conflict of interest laws would need to be made and distinctions between regular and reserve personnel conflict criteria carefully reexamined.

CHAPTER IV

FORCE UTILIZATION

A. Problems:

(1) Combat Capability. The most frequently heard criticism related to force utilization is probably that the reserve components do not maintain as fully combat ready as their active duty counterparts. Since these reservists are not allowed access to the nuclear weapons role, there is some validity to this criticism. In the past, the reserves have not been considered for work with nuclear weapons because active duty policy-makers felt that reservist part-time participation precluded adequate monitoring of their behavior for certification under the human reliability program. This criticism may apply to some nonflying units where training is performed once per month and in large groups. However, in flying units most pilots participate at the unit on an average of at least twice and often three times per week. Under such circumstances supervisors could probably monitor the reliability of these crew members, although munitions personnel and others involved might not have such full contact and exposure to supervision. This would not preclude the aircrews maintaining currency in nuclear weapons handling and delivery procedures, however.

A second aspect of this capability criticism relates to the reduced sortie rates flown by air reservists in order to maintain the desired savings in operations and maintenance funds. While it is true

that many of the reserve units are tasked at approximately 70 percent of the active duty sortie rate in order to achieve such savings, it is generally not true that this necessarily means that the reservists are less capable. (CRS: 62) What is important is to determine where the trainees (whether active duty or reserve pilots, for example) are located on their respective learning curves. As anyone who has been an instructor pilot in an RTU (Replacement Training Unit) can attest, a new pilot trainee, even one with fighter lead-in training, requires far more supervision and training than a pilot with some experience in almost any other fighter aircraft. This fact is recognized by the Air Force when they establish the course requirements for the various experience levels. The same holds true for continuation training; a good fighter pilot can stay well qualified with far fewer sorties than a less experienced, but otherwise fully qualified pilot. Anyone having doubts as to the accuracy of these conclusions is welcome to compare results at the Gunsmoke competitions and weapons training results in any category between any active duty fighter unit and the 419 TFW (AFRES) at Hill AFB, Utah.* If there is a mission capability

*The reserve participants from that unit, while admittedly some of the better pilots, have taken a lion's share of the top individual positions in the Gunsmoke competitions, and the unit has been either first or second overall in both competitions in which they have been able to participate since being assigned the F-16 aircraft. In fact, when the unit won the 1986 Gunsmoke competition, they did it with the oldest block aircraft in the inventory and the individual participants each had less than 9 months' experience in the F-16.

problem with crews like this, it is only because the mission in question has not been assigned to them.*

(2) Forward Deployment. A second major utilization criticism of the reserve components is that they do not man a fair share of the forward deployed (overseas) assignments nor the headquarters staff positions. As a result, the active duty force must maintain an adequate rotation base to prevent these personnel from spending their entire careers either overseas or in staff positions. Under current use parameters, the criticism is valid and the problem is viewed by several senior leaders who spoke at the Air War College this year as a significant limiting factor on the percentage of the air missions that can be transferred to the air reserve forces.

(3) Timely Application. Finally, although mentioned earlier, the criticism that the reserves will not be able to mobilize and deploy in time to influence any realistic war scenario needs to be reiterated if for no other reason than that it goes directly to the heart of the total force policy, and, unfortunately, the criticism has some merit. Until we provide the structure to regularly monitor and

*The author is very much aware of how artificial the Gunsmoke competition is; all units try to send their five best pilots and airplanes and pique them up for months before the actual competition. However, all units participating play the same game by the same rules. A far better gauge of the various unit capabilities would be to randomly select five pilots and airplanes from each unit 2 weeks before the competition and put a limit on how many range rides each participant received between selection and the competition. In either case, the experience and skill of the reserve units would withstand the most thorough examination.

realistically evaluate the mobilization and deployment capability of the reserve forces which we need in the various contingency situations, our senior commanders won't know whether the reserve components will be ready and able to perform. And, as a practical matter, it won't make any difference at all whether the reserve forces mobilize quickly or not if we do not develop and exercise the capability to deploy them to the war effectively.

B. Solutions:

(1) Combat Capability. If the senior policy-makers believe that there is a need for the reserve forces to assume additional roles with their assigned weapons systems, then these forces are experienced enough to meet those obligations. If a nuclear capability is part of this requirement, then those forces tasked to support the capability will be able to meet their tasking provided that the necessary reliability monitoring procedures are modified to accommodate the part-time participation by the reservists. Even if these leaders are unwilling to modify the reliability program, however, the reserve units could train and maintain the weapons handling and delivery proficiencies using simulated shape (nonnuclear, inert) ordnance.

If the concern of the leadership is that reservists, particularly in flying units, are not maintaining adequate proficiency in enough Desired Operational Capabilities (DOCs) as a result of the reduced sortie rates of reserve units, then the currency and experience levels in these additional areas could be improved by rotating the

primary DOCs of the units after each Operational Readiness Inspection (ORI). This would improve the reservists' currency in the various DOCs, but would result in a reduction in the units' combat readiness reporting levels during the times that the crews attained combat-ready status in the new capabilities. If this paper reduction in combat readiness was not acceptable to senior service leaders, then perhaps the units could be carried as combat ready in their prior DOC for a period of from 3 to 6 months after the ORI, while the crews attained combat-ready status in the new mission requirements.

(2) Forward Deployment and Staff Rotation Base. If the U.S. elects to maintain its current forward deployment posture, particularly without the draft relief discussed in Chapter II above, then the active duty forces will need the CONUS rotation base to support those commitments. Without some creative relief, additional mission element transfers to the reserve components will not be possible. However, this does not mean that the reserve personnel cannot contribute to the headquarters staff and overseas deployment requirements.

If the headquarters staffs are reduced as recommended in Chapter II above, then the need for a base of active duty personnel to rotate into these positions will be less. If the intermediate headquarters are not eliminated, then the reserve forces are a source of manpower that can be utilized to meet this requirement.

At the present time reserve component personnel serve limited statutory extended active duty duty tours, generally at headquarters

levels and for 4 years at a time. A majority of these tours are in Reserve- or Guard-related advisory positions. However, there is a large pool of expertise in the reserve components that could be applied to a broad spectrum of staff positions at most headquarters, on these same 4-year tours, thus relieving an equivalent number of active duty personnel from such requirements.

The same tours could be utilized to augment active duty units at overseas locations. Although such utilization would require some flexibility in filling manning documents (i.e., to accommodate rank and experience levels of the statutory tour reserve augmentees) and the number of such positions that could be filled initially would be limited, over time reserve personnel could probably fill a significant number of these forward deployed positions and thus relieve at least a portion of the pressure on the active duty personnel.

The success in using reserve personnel in both the staff and overseas positions would be dependent upon a gradual phasing-in of the positions and a good job of salesmanship among those eligible to participate.

At the end of the statutory tours, the active duty supervisors could determine whether the reservist would be accepted for an additional statutory tour, on the basis of an end-of-tour evaluation that would be completed in addition to the normal evaluations prepared throughout the tour. Reservists not staying on for an additional tour would return to their previous reserve units at the completion of the tour.

(3) Mobilization and Deployment. The need for MAJCOM commanders to be able to effectively exercise their reserve components and to observe the mobilization rates themselves has been addressed in Chapter II above. The problem of effectively deploying these reserve forces to a combat theater, however, is yet another problem. Until the ton-miles-per-day strategic lift shortfall is corrected, the deployment rate problem will continue to be serious for all CONUS forces, including reserves. Again, however, some ingenuity on the part of the senior service leadership could reduce some of the shortfall impact on the theater commander's combat capability. Such ingenuity should include a revision of the current time-phased deployment scheduling of all CONUS combat resources to take advantage of such capability stretching resources as flying units' abilities to self-deploy via island-hopping or a modified island-hopping/limited refueling deployment. In addition, the allocation of the limited airlift resources among the combat units should be reallocated from a marginal utility point of view, at the Unit Tasking Code (UTC) level.

The economic theory utilized here would require planners to determine approximate relative utility values for each UTC for which airlift to the theater of operations would be required. On the basis of these values and the requirements of the theater commander, airlift could be planned so as to deliver aircraft loads to the theater of operations in such a way as to maximize the warfighting capability of the respective CINC. As an example, rather than deploying the CONUS-based tactical air resources one complete wing at a time, as in the following hypothetical deployment schedule:

Day 1 1st TFW (50 F-15) 10 ea KC-10/25 ea C-5/50 ea C-141
Day 2 2nd TFW (50 F-15) 10 ea KC-10/25 ea C-5/50 ea C-141
etc.

Day 10 10th TFW (50 Ff-15) 10 ea KC-10/25 ea C-5/50 ea C-141

The same resources would be reallocated, based on the utility analysis which would show, for example, that a 40-percent capability for each wing could be achieved with 20 Ff-15s, 20 crew chiefs, 20 munitions specialists, 20 extra pilots, 5 fuel truck drivers, 10 avionics specialists, and 15 tons of carefully selected tools and equipment (again, hypothetically). These partial units could deploy with 2 ea KC-10s and 10 ea C-141s, meaning that on day one, with our limited tanker and lift resources, we would get 40 percent each from 5 units rather than 100 percent of 1 unit. In 2 days we would move 50 percent of the total firepower into the employment theater (40 percent x 10 wings - 400 combat utils) rather than 20 percent (100 percent of 2 wings = 200 combat utils) under current techniques. This would be both possible and plausible under the Collocated Operating Base ("COB") concept of operation where the host base operated the same type aircraft. It would require straining host base support facilities and manpower to a maximum, but that type strain would be sustainable in the short term until further sustainability resources, of relatively lower utility, caught up in the lift priority sequence. By actually exercising under such conditions we could not only train to work better under these circumstances, but could identify choke points in the

process to help realign the relative utilities of personnel and equipment for future exercises or wartime deployment. We could then identify which additional equipment should be prepositioned at or near the COBs and which airlift priorities should be revised. Once the relative marginal utilities were plotted for all of the combat resources deploying into theater, then combinations of tanker-supported and nonsupported deployments of TACAIR resources could be worked into the total force structure equation.

Clearly, there is a price to pay in surging the lift of direct combat resources without the sustainability support. However, in the analysis the marginal utility of the sustainment resources would increase as the COB resources and limited front-line deployment resources were taxed to their limits. As those marginal utilities rose, the corresponding resources would move up on the airlift priority computations. In the meantime, the theater commander would have a significantly increased short-term response capability that could be critical during the first days of any conflict.

CHAPTER V

CONCLUSIONS

This paper has identified some, but clearly not all, of the problems which limit the potential contribution to the Total Force by the reserve components of the armed services. There has been no intention to slight the nonflying components, but the research data available and the author's personal experience has focused primarily on the air reserve components, particularly the Air National Guard and the Air Force Reserve. The emphasis on areas protected as sacred cows by various political or special interest groups has been intentional, but for purposes of shedding light on these areas that tend to be pushed into the back of the dark bureaucratic or political closet. No attempt has been made to attack any single person or organization through the process.

Once the special interests are stripped away, the redundancy of the Guard, Reserve, and active duty operations and administration is undeniably evident. The facts that each organization has its particular strengths and that the Guard and Reserve structures are fairly small in comparison to the active duty force tend to mitigate the impact of the duplications and inefficiencies. However, the fact that the waste is not tremendously large does not mean that it should be ignored, particularly if the streamlining suggested would improve the combat capability of the force.

The paper has also reviewed several factors that adversely impact on the readiness and timely mobilization capability of the reserve forces. Before the reserves can attain their potential for augmenting the active duty forces in times of crisis, both sets of problems must be rectified. Clearly such shortfalls as trained manpower, modern equipment, and adequate manpower management translate into direct limitations on the ability of these forces to meet projected taskings. However, if public support for the reserve components is eroded due to perceived shortcomings or animosity generated by internal abuses in the system itself, then policy makers will be reluctant to support and rely upon these forces. If the misperceptions extend to the policy makers and Total Force commanders, then the national power that will be projected by that Total Force will be undermined, regardless of the actual capabilities of the components.

As the country enters the 1990s, with the expected pressure on defense budgets, Congress will be looking at ways to save money at every turn. The advantages, in terms of Total Force numbers at reduced personnel costs, of transferring more mission elements to the reserve components will be tempting. Can the reserve components effectively carry out the tasks currently assigned to them? Can the reserve components efficiently and effectively assume additional commitments at the present time? Neither question can be decisively answered in the affirmative, but the prospects for success in the air reserve components, in spite of some inefficiencies and management problems, are far better than they are for the Army and Naval reserve components.

This reflects the significant commitment by the Air Force to dedicate capital investment in new weapon systems for the air reserve components during the late 1970s and 1980s.

In spite of the investments in equipment, even the air reserve components will be forced to more effectively manage the manpower assets that are available to them during the 1990s. And, as the available cohort of induction-age young men bottoms out in approximately 1992, all services and their reserve components will be sorely taxed to meet their manpower commitments within reasonable cost parameters unless the All Volunteer Force is abandoned and some form of compulsory military service is reinstated.

In summary, unless Congress, the services, and the American public are willing to make some significant and innovative changes to the reserve program of the uniformed services, the drawdown of active forces and assignment of additional mission elements to the reserve components will be clearly detrimental to the overall defense capability of the Total Force. Such drawdowns will be tantamount to unilateral disarmament by the United States and should be recognized as such.

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

RUDY PERPICH, Governor
of the State of Minnesota,
and the STATE OF MINNESOTA,
by its Attorney General,
Hubert H. Humphrey, III,

3-87 CIV 54

Plaintiffs,

v.

MEMORANDUM ORDER

UNITED STATES DEPARTMENT OF
DEFENSE; UNITED STATES
DEPARTMENT OF THE AIR FORCE;
UNITED STATES DEPARTMENT OF
THE ARMY; NATIONAL GUARD
BUREAU; CASPAR W. WEINBERGER,
Secretary of Defense; JOHN O.
MARSH, JR., Secretary of the
Army; EDWARD C. ALDRIDGE,
Secretary of the Air Force, and
LIEUTENANT GENERAL HERBERT R.
TEMPLE, JR., Chief, National
Guard Bureau,

Defendants.

Richard K. Willard, Assistant Attorney General and Jerome G.
Arnold, United States Attorney, by VINCENT M. GARVEY, LESLIE K.
SHEDLIN, Washington, D.C. and JOHN LEE, Minneapolis, Minnesota,
appeared for defendants.

Hubert H. Humphrey, III, Attorney General for the State of
Minnesota by JOHN R. TUNHEIM and PETER M. ACKERBERG, St. Paul,
Minnesota, appeared for plaintiffs.

This matter came before the court on June 15, 1987, upon
motions brought by both sides to the lawsuit. Defendants move
for a dismissal for failure to state a claim upon which relief
can be granted. Fed. R. Civ. P. 12(b)(6). Because defendants
submitted materials outside the pleadings, the court shall treat
this motion as one for summary judgment. Fed. R. Civ. P. 12(b).

1 For their part, plaintiffs move the court for summary judgment in
2 their favor. Both parties agree that there exist for resolution
3 no disputed issues of fact, and this matter is ripe for summary
4 judgment.

5 The court reiterates its gratitude to the parties, amici,
6 and their counsel for the able and helpful manner in which they
7 have prepared and submitted this case.

8 STATUTORY BACKGROUND

9 Broadly stated, the issue before the court in this action is
10 the status of the National Guard under the United States
11 Constitution. The term "National Guard" refers to two
12 overlapping, but legally distinct, organizations. Congress,
13 under its constitutional authority to "raise and support armies"
14 has created the National Guard of the United States, a federal
15 organization comprised of state national guard units and their
16 members.¹ These state units also maintain an identity as state
17 national guards, part of the militia described in Article I,
18 Section 8 of the Constitution.

19 Congress has regulated the National Guard under provisions
20 found in Titles 10 and 32 of the United States Code. The
21 provisions in Title 10 relevant to the National Guard deal
22 exclusively with the National Guard of the United States, a ready
23

24
25 ¹ See H.R. Rep. No. 141, 73rd Cong., 1st Sess. 2-5 (1933);
26 Wiener, The Militia Clause of the Constitution, 54 Harv. L. Rev.
181, 208, 208 n. 153 (1940).

1 reserve component of the Army and Air Force. Sections 672(b) and
2 (d) of Title 10 pertain to the active duty of units or members of
3 the National Guard of the United States:

4 672. Reserve components generally

5 (b) At any time, an authority designated
6 by the Secretary concerned may, without the
7 consent of the persons affected, order any
8 unit, and any member not assigned to a unit
9 organized to serve as a unit, in an active
10 status in a reserve component under the
11 jurisdiction of that Secretary to active duty
12 for not more than 15 days a year. However,
13 units and members of the Army National Guard
14 of the United States or the Air National
15 Guard of the United States may not be ordered
16 to active duty under this subsection without
17 the consent of the governor of the State or
18 Territory, Puerto Rico, or the Canal Zone, or
19 the commanding general of the District of
20 Columbia National Guard, as the case may be.

13 (d) At any time, an authority designated
14 by the Secretary concerned may order a member
15 of a reserve component under his jurisdiction
16 to active duty, or retain him on active duty,
17 with the consent of that member. However, a
18 member of the Army National Guard of the
19 United States or the Air National Guard of
20 the United States may not be ordered to
active duty under this subsection without the
consent of the governor or other appropriate
authority of the State or Territory, Puerto
Rico, the Canal Zone, or the District of
Columbia, whichever is concerned.

20 In 1985 and 1986, several governors either withheld their
21 consent under the provisions of §§ 672(b) and 672(d) and objected
22 to the active duty deployment of National Guard personnel to
23 Central America or indicated their intention to do so. See 132
24 Cong. Rec. H6264-H6268 (daily ed. Aug. 14, 1986). In response to
25 these actions, Congress enacted an amendment offered by
26

1 Representative Montgomery which precludes governors from
2 withholding their consent under §§ 672(b) and 672(d) because of
3 objections to location, purpose, type, or schedule of the active
4 duty.²

5 UNDISPUTED FACTS

6 Pursuant to §§ 672(b) or 672(d) of Title 10, United States
7 Code, defendants ordered members of the Minnesota National Guard
8 to active duty for training missions in Central America. These
9 missions were conducted January 3-17, January 9-25, and January
10 22-26, 1987. Plaintiff Rudy Perpich, Governor of Minnesota,
11 would not have consented to one of the training missions ordered
12 by defendants in January 1987 but for the restrictions imposed by
13 § 672(f). Plaintiffs expect the defendants will order members of
14 the Minnesota unit of the National Guard to active duty for
15 training purposes outside the United States in the future, and
16 plaintiff Perpich intends to withhold consent to defendants'
17 orders if he objects to the location, purpose, type, or schedule
18 of such training.

19 DISCUSSION

20 Plaintiffs contend the Montgomery amendment offends the
21
22

23 ² 10 U.S.C. § 672(f):

24 The consent of a Governor described in subsections (b) and (d)
25 may not be withheld (in whole or in part) with regard to active
26 duty outside the United States, its territories, and its
possessions, because of any objection to the location, purpose,
type, or schedule of such active duty.

1 Militia clause of the Constitution³ by impermissibly impinging
2 upon the states' "authority of training the militia." Plaintiffs
3 argue that the Militia clause reserves to each state exclusive
4 power over training of the National Guard,⁴ and this reservation
5 requires that Congress obtain gubernatorial consent to training
6 during peace time. Plaintiffs further argue that neither the
7 Army clause⁵ nor the Necessary and Proper clause⁶ negates the
8 reservation of peace time training authority over the National
9 Guard found in the Militia clause.

10 When ordered to active duty under § 672, defendants argue,
11 the National Guard is "Employed in the Service of the United
12 States." See Art. I, Sec. 8, cl. 16. In this status, defendants
13 assert, the National Guard is governed by Congress' plenary power
14 under the Army and Necessary and Proper clauses to provide for

15 ³ Art. I, § 8:

The Congress shall have Power . . .

16 Cl. 15:

17 To provide for calling forth the Militia to
18 execute the Laws of the Union, suppress
19 Insurrections and repel Invasions.

18 Cl. 16:

19 To provide for organizing, arming, and
20 disciplining, the Militia, and for governing
21 such Part of them as may be employed in the
22 Service of the United States, reserving to
the States respectively, the Appointment of
the Officers, and the Authority of training
the Militia according to the discipline
prescribed by Congress.

23 ⁴ "The National Guard is the modern Militia reserved to the
24 states by Art. I, § 8, cl. 15, 16 of the Constitution." Maryland
v. United States, 381 U.S. 41, 46 (1965) (citation omitted).

25 ⁵ Art. I, § 8, cl. 12.

26 ⁶ Art. I, § 8, cl. 18.

1 the national defense. Defendants contend that the reservation to
2 the states of authority over training the guard simply does not
3 come into play while the National Guard is employed in the
4 service of the United States.

5 Although this action arises out of a dispute between the
6 parties over the propriety of deploying elements of the Minnesota
7 Unit of the National Guard to Central America for training
8 purposes, the court emphasizes that the wisdom of that deployment
9 is in no sense an issue in this case. Judgment as to the wisdom
10 of this program lies exclusively within the purview of the
11 political branches of government. This court must determine only
12 whether Congress has the power to act as it has.

13 I. Historical Development of National Guard

14 An understanding of the historical development of the
15 National Guard, particularly as it relates to the evolution of
16 the Guard's dual status, is necessary to a resolution of the
17 parties' dispute. From the time of the Constitution's
18 ratification through the Spanish-American War, the militia, which
19 became known as the National Guards in the latter half of the
20 nineteenth century, was a loosely trained force best suited to
21 drills and "showy parades in harlequin uniforms." See Wiener,
22 The Militia Clause of the Constitution, 54 Harv. L. Rev. 181, 191
23 (1940) (hereinafter "The Militia Clause"); Federal Aid in
24 Domestic Disturbances, Sen. Doc. No. 263, 67th Cong., 2nd Sess.
25 205 (1922). As in each previous conflict the nation experienced,
26 the National Guards' performance in the Spanish-American War was

1 unsatisfactory. Some units stood upon their constitutional
2 rights and refused to serve outside the United States. The
3 Militia Clause, supra, at 192. Because of inadequate and
4 incompatible training, those units that did serve did so
5 ineffectually. Id.

6 Dissatisfaction with the National Guards' performance in the
7 Spanish-American War lead Congress in 1903 to enact the Dick Act,
8 a program of financial grants to state National Guard units.
9 Units receiving grants were required to conform to national
10 standards, including the requirement for drill at least 24 times
11 per year and attendance at a five day summer camp. Id. The
12 National Defense Act of 1916 further expanded the federal
13 government's involvement in the maintenance and training of the
14 National Guard. In addition to reorganizing and expanding the
15 Regular Army and creating an Officers Reserve Corp, the Act
16 restructured the National Guard to enable it to serve as an
17 integral component of the Army of the United States. This
18 restructuring dramatically increased the scope of federal control
19 over the guard by expanding federal financial support for Guard
20 units, prescribing the qualifications of National Guard officers,
21 and providing for their recognition by federal authorities only
22 should they be found qualified. The 1916 Act also required every
23 officer and enlisted man in the National Guard to take a dual
24 oath to support the Nation as well as the State, and to obey not
25 only the governor but also the president. Id. at 200-201.
26

1 In the years following World War I, the National Guard again
2 was reconstituted. During this time, the nation was moving
3 toward a "One Army" concept, under which the Regular Army and the
4 various reserve and militia organizations were unified under the
5 administration and command of The United States Army. Id. at
6 207. In time of peace, however, the National Guard was not yet a
7 part of the Army: "the Army of the United States shall consist
8 of the Regular Army, the National Guard while in the service of
9 the United States, and the Organized Reserves, including the
10 Officers Reserve Corp and the Enlisted Reserve Corp." National
11 Defense Act, § 1, as amended in 1920, 41 Stat. 759 (1920); The
12 Militia Clause, supra, at 207.

13 In 1933, Congress amended the National Defense Act to create
14 the National Guard of the United States as a reserve component of
15 the Army of the United States. Act of June 15, 1933, 48 Stat.
16 153, 155. In this capacity, the National Guard of the United
17 States was organized and was to be administered under the Army
18 Clause. The Militia Clause, supra, at 208; see H.R. Rep. No.
19 141, 73rd Cong., 1st Sess. 2-5 (1933). In the Armed Forces
20 Reserve Act of 1952, Congress enacted forerunners of the current
21 gubernatorial consent provisions of 10 U.S.C. §§ 672(b) and
22 672(d). Act of July 9, 1952, ch. 608, §§ 233(c) and 233(d), 66
23 Stat. 481, 490. Congress enacted these provisions in response to
24 objections from state National Guard officials who sought to
25 limit the scope of the federalization of the National Guard in
26

part on constitutional grounds. Armed Forces Reserve Act: Hearings on H.R. 5426 Before the Senate Subcommittee on Armed Services, 82nd Cong., 2nd Sess., 127, 246, 310, 312 (1952). Following the Armed Forces Reserve Act of 1952, no further changes relevant to this action were made in the legal status of the National Guard until the enactment of the Montgomery amendment in 1986.

The Guard's status as a reserve component of the United States armed forces, however, continued to evolve. Today, as a part of the nation's Total Force military capability, 18 of the 24 Total Army divisions available in the event of war would be provided in whole or in part by the Army National Guard. Similarly, the Air National Guard provides 73 percent of the nation's air defense interceptor forces, 52 percent of tactical air reconnaissance, 34 percent of tactical airlift, 25 percent of tactical fighters, 17 percent of aerial refueling, 13 percent of air rescue and recovery forces, 14 percent of special operations forces, and 24 percent of tactical air support forces. Declaration of James H. Webb, Jr., Attached Statement at 1. Thus the National Guard has assumed a significant role in the nation's military readiness program.

II. Analysis

All authority to provide for the national defense resides in Congress, and state governors have never had, and never could have jurisdiction in this area. The Selective Draft Law Cases, 245 U.S. 366, 383 (1918); Houston v. Moore, 5 Wheat. 1, 16

1 (1820). For example, Article I, Section 10, Clause 3 of the
2 Constitution prohibits states from keeping troops or ships of war
3 in time of peace and from engaging in war, unless actually
4 invaded. In addition, the Militia clause has not been read to
5 restrict Congress' plenary authority to provide for the national
6 defense. The Selective Draft Law Cases, 245 U.S. at 383.

7 Congress' establishment of the dual enlistment system, under
8 which National Guard members serve as members of both a state
9 national guard and of the National Guard of the United States, is
10 a valid exercise of Congressional power under the Army and
11 Necessary and Proper clauses. Johnson v. Powell, 414 F.2d 1060,
12 1063-64 (5th Cir. 1969); Drifka v. Brainaird, 294 F.Supp. 425,
13 428 (W.D. Wash. 1968); see H.R. Rep. No. 141, 73rd Cong., 1st
14 Sess. 2-5 (1933). Thus an authority designated by the Secretary
15 of Defense or the Secretary of a military department may call
16 National Guard units and members to active duty under § 672(b)
17 and 672(d) and the Militia clause does not inhibit this power.
18 See The Selective Draft Law Cases, 245 U.S. at 383; Johnson, 414
19 F.2d at 1064. Because Congress' authority to provide for the
20 National defense is plenary, the Militia clause also cannot
21 constrain Congress' authority to train the Guard as it sees fit
22 when the Guard is called to active federal service.⁷

23 As the Militia clause does not restrain Congress' authority
24 to train the National Guard while the Guard is in active federal

25 ⁷ See also Art. I, § 8, cl. 16 ("The Congress shall have
26 Power . . . To provide . . . for governing such part of [the
militia] as may be employed in the service of the United States").

1 service, the gubernatorial veto found in §§ 672(b) and 676(d) is
2 not constitutionally required. Having created the gubernatorial
3 veto as an accommodation to the states, rather than pursuant to a
4 constitutional mandate, the Congress may withdraw the veto
5 without violating the Constitution.

6 Plaintiffs draw the court's attention to the debate and
7 negotiations over the Militia clause at the Constitutional
8 Convention. Plaintiffs argue that the course of this debate
9 evinces an intent on the part of the framers of the Constitution
10 to preserve in the states what Alexander Hamilton described as a
11 "preponderating influence" over the militia. Federalist No. 29
12 (Mentor ed.) at 186. Preservation of this local influence,
13 effectuated by reserving to the states authority over training
14 and appointment of officers, served as a check upon the power of
15 the federal government. In particular, the sentiment of the time
16 strongly disfavored standing armies; the common view was that
17 adequate defense of the country and laws could be secured by a
18 militia comprised of men who were civilians primarily, soldiers
19 on occasion. United States v. Miller, 307 U.S. 174, 179 (1939).

20 The proposition that the Congress may train the National
21 Guard while the Guard is employed in the service of the United
22 States is not inconsistent with the concerns voiced at the
23 Constitutional Convention. Indeed, the states retain shared
24 control over the training of the Guard while it is not on active
25 federal duty. The states relinquish this authority, and its
26 attending influence, only when Congress calls the National Guard

1 to federal duty pursuant to its authority under the Army and
2 Necessary and Proper clauses. When Congress so acts, the
3 language of the militia clause is relevant only insofar as its
4 provision granting Congress authority "for governing such part of
5 [the militia] as may be employed in the service of the United
6 States," makes it clear that the reservation to the states of the
7 appointment of officers and the authority of training does not
8 restrict the authority of Congress to govern the National Guard
9 while it is in federal service.⁸

10 Plaintiffs further contend the court should recognize that
11 the Militia clause reserves to the states authority over training
12 the National Guard in time of peace, and restricts Congress'
13 training authority to war time. There is no basis for this
14 distinction in the language of the Constitution. Instead, the
15 relevant dichotomy in the constitutional language is between
16 federal service and state service. See Article I, sec. 8, cl. 16
17 ("The Congress shall have Power . . . To provide . . . for
18 governing such Part of [the militia] as may be employed in the
19 Service of the United States. . . ."). Viewing the reservation
20 to the states of authority over training the militia in light of
21 this dichotomy harmonizes the Army and Militia clauses, and gives
22

23 ⁸ In addition, utilization of the National Guard as a
24 reserve component of the nation's Total Force military capability
25 reduces the need for a large standing army. Reading the
26 Constitution to permit Congress to train the Guard effectively
for this mission therefore is consistent with the framers' intent
to avoid the establishment of such an army.

1 each its proper significance. See, e.g., Fry v. United States,
2 421 U.S. 542, 547 n. 7 (1975) (the various provisions of the
3 Constitution are to be construed harmoniously with the states'
4 reserved powers).⁹ Thus the court concludes that Congress may
5 exercise plenary authority over the training of the National
6 Guard while the Guard is on active federal duty, and must share
7 with the states authority over training of the Guard only while
8 the Guard is not "employed in the Service of the United States."
9 Under this analysis, Congress acted within its authority in
10 providing for the active duty training of the Minnesota National
11 Guard in Central America without plaintiff Perpich's consent, and
12 plaintiffs' challenge to the Montgomery amendment's
13 constitutionality must fail.

14 Based upon the foregoing, the arguments and submissions of
15 the parties, and the record as presently constituted,
16

17
18 ⁹ The position taken by Amici Curiae National Guard
19 Association of the United States, in support of defendants'
20 motion for summary judgment, is inconsistent with this analysis.
21 Amici argue that the Militia clause provision reserving to the
22 states the "Authority of training the Militia according to the
23 discipline prescribed by Congress" (emphasis added), gives the
24 Congress unrestricted authority over training the National Guard,
25 whatever its status. Under this view, the Congress apparently
26 could order the National Guard to training exercises outside the
United States even without calling the Guard to active federal
duty pursuant to statute. Until the Congress calls the National
Guard to active federal duty, however, it lacks the plenary
authority provided by the Army and Necessary and Proper clauses,
and instead must share authority over training with the states.
This necessity of shared authority over training the National
Guard when it is not employed in the service of the United States
would preclude Congress from exercising the sort of unrestricted
control over the National Guard the defendant Amici envision .


1 IT IS ORDERED That plaintiffs' motion for summary judgment
2 be and the same hereby is respectfully denied.

3 IT IS FURTHER ORDERED That defendants' motion for summary
4 judgment be and the same hereby is granted.

5 IT IS FINALLY ORDERED That the Clerk enter judgment as
6 follows:

7 IT IS ORDERED, ADJUDGED, AND DECREED That
8 plaintiffs' action be and the same hereby is
dismissed with prejudice.

9 DATED: August 3, 1987.

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13 DONALD D. ALSOP
14 Chief U. S. District Judge
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